

CASE#	12-C-731	PAGE	1
STATE OF WV. EX REL DARRELL MC VS. AMERISOURCEBERGEN DRUG CORPORA			
LINE	DATE	ACTION	
1	06/26/12	CIVIL CASE INFORMATION STATEMENT	
2	06/26/12	COMPLAINT REC & FILED BY: FRANCES A HUGHES, BLDG 1, RM 26-E,	
3	06/26/12	STATE CAPITOL, CHARLESTON WV 558-2021	
4	06/26/12	SUMMONS ISSUED TO: ATTORNEY FOR SERVICE.	
5	07/03/12	INTERROGATORIES, REQUEST FOR PRODUCTION, SUMMONS & COMPLAINT	
6		SERVED ON SEC. OF STATE ON BEHALF OF MINTY-LUXEN, INC. SERVED	
7	06-27-12	ON 06-27-12.	
8	07/03/12	INTERROGATORIES, REQUEST FOR PRODUCTION, SUMMONS & COMPLAINT	
9	06-27-12	SERVED ON SEC. OF STATE ON BEHALF OF J W SMITH CORP. SERVED ON	
10	07/03/12	06-27-12.	
11	07/03/12	INTERROGATORIES, REQUEST FOR PRODUCTION, SUMMONS & COMPLAINT	
12	07/05/12	SERVED ON SEC. OF STATE ON BEHALF OF AMERISOURCEBERGEN DRUG	
13		CORP. SERVED ON 06-27-12.	
14	07/05/12	INTERROGATORIES, REQUEST FOR PRODUCTION, SUMMONS & COMPLAINT	
15	06-28-12.	SERVED ON SEC. OF STATE ON BEHALF OF TOP RX, INC. SERVED ON	
16	07/05/12	INTERROGATORIES, REQUEST FOR PRODUCTION, SUMMONS & COMPLAINT	
17	07/05/12	SERVED ON SEC. OF STATE ON BEHALF OF RICHIE PHARMACAL, CO.,	
18	06-28-12.	INC. SERVED ON 06-28-12.	
19	07/05/12	INTERROGATORIES, REQUEST FOR PRODUCTION, SUMMONS & COMPLAINT	
20	07/05/12	SERVED ON SEC. OF STATE ON BEHALF OF KEY SOURCE MEDICAL, INC.	
21	06-28-12.	INC. SERVED ON 06-28-12.	
22	07/05/12	INTERROGATORIES, REQUEST FOR PRODUCTION, SUMMONS & COMPLAINT	
23	07/05/12	SERVED ON SEC. OF STATE ON BEHALF OF QUEST PHARMACEUTICALS,	
24	06-28-12.	INC. SERVED ON 06-28-12.	
25	07/05/12	INTERROGATORIES, REQUEST FOR PRODUCTION, SUMMONS & COMPLAINT	
26	06-28-12.	SERVED ON SEC. OF STATE ON BEHALF OF KEY SOURCE MEDICAL, INC.	
27	07/05/12	INTERROGATORIES, REQUEST FOR PRODUCTION, SUMMONS & COMPLAINT	
28	06-28-12.	SERVED ON SEC. OF STATE ON BEHALF OF AUBURN PHARMACEUTICALS, CO	
29	07/05/12	INTERROGATORIES, REQUEST FOR PRODUCTION, SUMMONS & COMPLAINT	
30	06-28-12.	SERVED ON SEC. OF STATE ON BEHALF OF E.D. SMITH WHOLESALE DRUG	
31	07/05/12	CO. SERVED ON 06-28-12.	
32	06-28-12.	INTERROGATORIES, REQUEST FOR PRODUCTION, SUMMONS & COMPLAINT	
33	07/05/12	SERVED ON SEC. OF STATE ON BEHALF OF AUBURN PHARMACEUTICALS, CO	
34	06-28-12.	SERVED ON 06-28-12.	
35	07/05/12	INTERROGATORIES, REQUEST FOR PRODUCTION, SUMMONS & COMPLAINT	
36	06-28-12.	SERVED ON SEC. OF STATE ON BEHALF OF ASSOCIATED PHARMACIES, INC	
37	07/05/12	SERVED ON 06-28-12.	
38	07/05/12	INTERROGATORIES, REQUEST FOR PRODUCTION, SUMMONS & COMPLAINT	
39	06-28-12.	SERVED ON SEC. OF STATE ON BEHALF OF ANDA, INC. SERVED ON 06-28	
40	-12.	SERVED ON SEC. OF STATE ON BEHALF OF ANDA, INC. SERVED ON 06-28	
41	07/05/12	INTERROGATORIES, REQUEST FOR PRODUCTION, SUMMONS & COMPLAINT	
42	06-28-12.	SERVED ON SEC. OF STATE ON BEHALF OF THE HARVARD DRUG GROUP,	
43	07/05/12	LLC. SERVED ON 06-28-12.	
44	07/05/12	NOTICE OF APPEARANCE OF REBECCA A. BETTS, ESQ. & PAMELA C. DEEN,	
45		ESQ. OF BETTS HARDY & RODGERS, PLLC AS COUNSEL FOR H.D. SMITH	
46		WHOLESALE DRUG CO. CERT. OF SERV.	
47	07/16/12	MOTION FOR PRO HAC VICE ADMISSION OF LARRY A. MACKAY. VERIFIED	
48		STATEMENT OF APPLICATION OF LARRY A. MACKAY FOR PRO HAC VICE	
49		ADMISSION. VERIFIED STATEMENT EXHIBIT 1. CERT. OF SERV.	
50	07/16/12	MOTION FOR PRO HAC VICE ADMISSION OF JASON R. BARCLAY. VERIFIED	
51		STATEMENT OF APPLICATION OF JASON R. BARCLAY FOR PRO HAC VICE	
52		ADMISSION. VERIFIED STATEMENT EXHIBIT 1. CERT. OF SERV.	
53	07/16/12	MOTION FOR PRO HAC VICE ADMISSION OF DEAN T. BARNHARD. VERIFIED	
54		STATEMENT OF APPLICATION OF DEAN T. BARNHARD FOR PRO HAC VICE	

CASE # 12-CV-141
STATE OF WV, EX REL DARRELL MC VS. AMERISOURCEBERGEN DRUG CORPORA
PAGE 2

LINE	DATE	ACTION
55		ADMISSION, VERIFIED STATEMENT EXHIBIT 1. CERT. OF SERV.
56	07/20/12	ORDER AUTHORIZING PRO HAC VICE ADMISSION OF LARRY A. MACKEY.
57		ENTERED.
58	07/20/12	ORDER AUTHORIZING PRO HAC VICE ADMISSION OF JASON R. BARCLAY.
59		ENTERED.
60	07/20/12	ORDER AUTHORIZING PRO HAC VICE ADMISSION OF DEAN T. BARNHARD.
61		ENTERED.

A COPY ATTEST

Sheri Ann Jackson

CIRCUIT COURT

CIVIL CASE INFORMATION STATEMENT
CIVIL CASES
(Other than Domestic Relations)

In the Circuit Court, Boone County, West Virginia

I. CASE STYLE:

Plaintiff(s)

Case #

12-C-141

State of West Virginia ex rel Darrell V. McGraw, Jr.
Attorney General

Judge:

William Thompson

vs.

Defendant(s)

AmerisourceBergen et al
Street

Days to
Answer

30

Type of Service

Secretary of
State

City, State, Zip

Street

City, State, Zip

Street

City, State, Zip

Street

City, State, Zip

Original and _____ copies of complaint enclosed/attached.

RECEIVED
2012 JUN 26 A 8:53
BOONE COUNTY
CIRCUIT COURT
SUE ANN ZICKEFOOSE
CLERK

PLAINTIFF: State of W. Va ex rel Darrell v. McFraw, Jr DEFENDANT: Amerisourcebergen, et al	CASE NUMBER:
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II. TYPE OF CASE:

- General Civil Adoption
- Mass Litigation (As defined in T.C.R. Rule XIX (c)) Administrative Agency Appeal
- Asbestos Civil Appeal from Magistrate Court
- Carpal Tunnel Syndrome Miscellaneous Civil Petition
- Diet Drugs Mental Hygiene
- Environmental Guardianship
- Industrial Hearing Loss Medical Malpractice
- Silicone Implants
- Other: _____
- Habeas Corpus/Other Extraordinary Writ
- Other: _____

III. JURY DEMAND: Yes NoCASE WILL BE READY FOR TRIAL BY (MONTH/YEAR): 6/13IV. DO YOU OR ANY OF YOUR CLIENTS OR WITNESSES IN THIS CASE REQUIRE SPECIAL ACCOMMODATIONS DUE TO A DISABILITY? YES NO

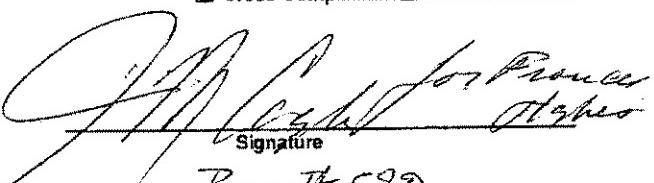
IF YES, PLEASE SPECIFY:

- Wheelchair accessible hearing room and other facilities
- Interpreter or other auxiliary aid for the hearing impaired
- Reader or other auxiliary aid for the visually impaired
- Spokesperson or other auxiliary aid for the speech impaired
- Other: _____

Attorney Name: Frances A. Hughes
 Firm: W.V. Attorney General
 Address: 3rd fl, Rm 26-E, State Capitol
 Telephone: 304 558-2021
 Dated: 6/14/12

Representing:

- Plaintiff Defendant
 Cross-Complainant Cross-Defendant


 Signature
Bar # 580
 Proceeding Without an Attorney

IN THE CIRCUIT COURT OF BOONE COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA
ex rel DARRELL V. MCGRAW, JR.
Attorney General,

Plaintiff,

v.

Civil Action No. 12-C-141

AMERISOURCEBERGEN DRUG CORPORATION,
a Delaware corporation doing business in
West Virginia, **MIAMI-LUKEN, INC.**, an
Ohio corporation doing business in West Virginia,
J.M. SMITH CORPORATION d/b/a SMITH DRUG
COMPANY, a South Carolina corporation doing
business in West Virginia, **THE HARVARD DRUG**
GROUP, LLC, a Michigan corporation doing business
in West Virginia, **ANDA INC.**, a Florida corporation doing
business in West Virginia, **ASSOCIATED PHARMACIES,**
INC., an Alabama corporation doing business in West
Virginia, **AUBURN PHARMACEUTICAL COMPANY**, a
Michigan corporation doing business in West Virginia,
H.D. SMITH WHOLESALE DRUG COMPANY, a
Delaware corporation doing business in West Virginia,
KEYSOURCE MEDICAL INC., an Ohio corporation
doing business in West Virginia, **MASTERS**
PHARMACEUTICALS, INC., an Ohio corporation doing
business in West Virginia, **QUEST PHARMACEUTICALS,**
INC., a Kentucky corporation doing business in West Virginia,
RICHIE PHARMACAL CO., INC., a Kentucky corporation
doing business in West Virginia, and **TOP RX, INC.**, a Tennessee
corporation doing business in West Virginia,

Defendants.

RECEIVED

BOONE COUNTY
CIRCUIT CLERK
SUE ANN ZICKFOOSE

2012 JUN 26 A 8:53

COMPLAINT

For its complaint the State of West Virginia, by and through its duly-elected Attorney
General Darrell V. McGraw, Jr., states the following:

I.

Summary of Action

1. This civil action addresses the epidemic of prescription drug abuse and its costs. Prescription drug abuse costs the State of West Virginia hundreds of millions of dollars annually. Beyond the actual dollars lost, prescription drug abuse devastates families, communities and reduces the State's economic productivity. Prescription drug abuse adversely affects West Virginia's hospitals, schools, courts, social service agencies, jails and prisons as well as diminishing the very quality of life in our cities and towns. Accordingly, the State, by its Attorney General, brings this action against parties whom the Attorney General has identified as having substantially contributing to and who have substantially, illicitly and tortiously benefitted financially from the prescription drug abuse problem in West Virginia.

2. The Defendants herein named distribute various prescription drugs which are closely identified with the prescription drug abuse problem in West Virginia. These Defendants were on notice of the growing epidemic from the abuse of those prescription drugs which they supplied and of the quantities and frequency with which those drugs were distributed to entities in West Virginia. For reasons which are more specifically set forth in the following causes of actions these Defendants are answerable in damages to the State of West Virginia and are susceptible to such other relief as is requested.

3. These Defendants are major distributors of controlled substances who have supplied controlled substances to drugstores which then dispense controlled substances based upon bogus prescriptions from physicians who are prescribing controlled substances for illegitimate medical purposes.

4. Through their acts and omissions these Defendants have inserted themselves as an integral part of the pill mill process. As alleged herein, "Pill Mills" consist of medical providers, pharmacies and distributors of controlled substances, each of whom must knowingly or while acting grossly negligent prescribe, dispense or distribute prescription medicine for illegitimate medical purposes. Each actor alone would be ineffective to divert controlled substances for illegitimate medical purposes. Conversely, each actor together causes and contributes to the diversion of prescription medicine

5. As hereinafter alleged these Defendants have acted negligently, recklessly and at times illegally all in contravention of West Virginia law. More particularly, these Defendants have violated West Virginia statutes and regulations which govern controlled substances, consumer protection and antitrust. The Defendants received substantial revenue from West Virginia entities while engaging in wholesale drug distribution in West Virginia.

6. The problems, crimes, damages and losses related to the prescription drug epidemic in West Virginia include, inter alia, the following:

a. Costs to the State of as much as \$430 million annually in the year 2010 with costs projected to be as much as \$695 million annually by 2017;

b. A per capita death rate from prescription drug overdose which has at times been either the highest or the second highest recorded for all states in the United States. One county, McDowell located in Southern West Virginia, had a death rate of 34.2 per 100,000 in 2001 and 97.3 in 2008;

c. Between 2001 and 2008 West Virginia deaths from overdoses involving prescription drugs quadrupled from 5.1 deaths per 100,000 residents to 21.5;

d. According to Charleston Area Medical Center approximately twenty (20) percent of patients admitted through the hospital's trauma service have an issue with narcotic usage which contributes to their injuries. As such, the demand from the growing problem of addiction and management of addicted patients will eventually be too great for the available care provided unless the problem is addressed. Many of the addicted patients have no medical insurance coverage;

e. West Virginia has been identified as the nation's "most medicated state" based upon data gathered for 2009. Pharmacies in the State filled 18.4 prescriptions per capita as compared to the national average of 11.6 per capita;

f. One pharmacy which is located in tiny Kermit, West Virginia in 2006 received 3,194,400 dosage units of hydrocodone which ranked 22nd in the nation among pharmacies with respect to purchases of hydrocodone dosage and 35th nationally if you include mail order pharmacies. The owner who is a licensed pharmacist has testified that the pharmacy filled one prescription per minute. Pharmacy records reveal that the pharmacy regularly paid suppliers hundreds of thousands of dollars, that virtually 90% of the drugs ordered and received and are of the kind associated with the prescription drug epidemic. The pharmacy reported revenue of more than \$500,000 per month. Recently, an article described Kermit, population 300, as "ground zero" in the prescription drug epidemic;

g. One Pittsburgh area physician who has entered a guilty plea to a drug law violation allegedly worked in or owned an operation in Southern West Virginia which a federal investigation disclosed netted him personally as much as \$20,000 per day in cash deposits made to his personal bank account. That so-called clinic was closed by the government

resulting in seizure of hundreds of thousands of dollars in cash from physicians and others who were associated with the clinic;

h. State prosecutors and judges lament that as much as 90% of their case load is regularly made up of matters which are either directly or indirectly related to prescription drug abuse. As one prosecutor recently told a Charleston newspaper " I have sometimes morbidly said I would welcome a cocaine case because at least not as many people are dying from cocaine abuse as they are from prescription drug abuse. I bring this up to point out foremost that we continue to ignore the human cost of substance abuse. Families are destroyed. People die. People can't get jobs and become homeless. They don't send their children to school, which ultimately contributes to truancy, delinquency, another generation of crime and a host of other problems. We're at the top of the nation in births of drug-addicted babies."

II.

Parties

7. The Plaintiff is the State of West Virginia. Darrell V. McGraw, Jr. is the Attorney General of the State of West Virginia. He is authorized both by the West Virginia Constitution and by statute to bring this action. More particularly:

a. West Virginia Code, Chap. 60A, Art. 5, Sec. 501(c) invests the Attorney General with the duty and the authority to assist in the enforcement of the provisions of the Uniform Controlled Substances Act and to cooperate with agencies and other governmental entities as relates to controlled substances; and

b. West Virginia Code, Chap. 46A, Art. 7, Sec. 101 et seq. and Code 47-18-1 et seq. invest the Attorney General with the authority to sue for violations of the West

Virginia Consumer Protection Act and the West Virginia Antitrust Act, to recover civil penalties and to seek other remedies for violations of said statutes.

8. The Defendants are registrants with the West Virginia Board of Pharmacy. At times pertinent to this Complaint each Defendant was doing business in West Virginia as a wholesale drug distributor. The Defendants are:

- a. **AMERISOURCEBERGEN DRUG CORPORATION**, a Delaware corporation doing business in West Virginia.
- b. **MIAMI-LUKEN, INC.**, an Ohio corporation.
- c. **J.M. SMITH CORPORATION d/b/a SMITH DRUG COMPANY**, a South Carolina corporation.
- d. **THE HARVARD DRUG GROUP, LLC**, a Michigan corporation.
- e. **ANDA INC.**, a Florida corporation.
- f. **ASSOCIATED PHARMACIES, INC.**, an Alabama corporation.
- g. **AUBURN PHARMACEUTICAL COMPANY**, a Michigan corporation.
- h. **H.D. SMITH WHOLESALE DRUG COMPANY**, a Delaware corporation.
- i. **KEYSOURCE MEDICAL INC.**, an Ohio corporation.
- j. **MASTERS PHARMACEUTICALS, INC.**, an Ohio corporation.
- k. **QUEST PHARMACEUTICALS, INC.**, a Kentucky corporation.
- l. **RICHIE PHARMACAL CO., INC.**, a Kentucky corporation.
- m. **TOP RX, INC.**, a Tennessee corporation.

III.

Jurisdiction and Venue

9. Jurisdiction exists pursuant to the provisions of West Virginia Code Chap. 56, Art. 3, Sec. 33, as amended in that Defendants by and through their authorized agents, servants and employees regularly transacted business in West Virginia, supplied and distributed prescription drugs in West Virginia and further through their acts and omissions tortiously caused injuries in West Virginia by engaging in a persistent course of conduct in West Virginia which violated West Virginia law. These Defendants derived substantial revenue as the result of the prescription drugs which were distributed to West Virginia entities and later consumed by persons then residing in West Virginia.

10. Pursuant to W.Va. Code §46A-7-114 and W.Va Code §47-18-15 venue is proper in that the Defendants committed acts in violation of the West Virginia Uniform Controlled Substances Act and the West Virginia Consumer Credit and Protection Act and the West Virginia Antitrust Act in Boone County West Virginia. Further, the Defendants transacted business in Boone County as well as in other counties within the State of West Virginia.

IV
Causes of Action

Count I

**Injunctive Relief for Violations of Responsibilities and
Duties Under The West Virginia Uniform
Controlled Substances Act**

11. Plaintiff hereby incorporates by reference all of the previous allegations of this complaint.

12. West Virginia Code §60A-5-501(c) provides: “All prosecuting attorneys and the **attorney general, or any of their assistants, shall assist in the enforcement of all provisions of this act** and shall cooperate with all agencies charged with the enforcement of the laws of the United States, of this state, and of all other states relating to controlled substances.”

13. West Virginia Code § 60A-5-503(a) states that “The courts of record of this state have and may exercise jurisdiction to restrain or enjoin violations of this act.”

14. The Uniform Controlled Substances Act, W. Va. Code § 60A-3-301, provides, in relevant part that “The State Board of Pharmacy shall promulgate rules . . . relating to the registration and control of the manufacture **and distribution of controlled substances within this State . . .”**

15. The regulations promulgated pursuant to the above-referenced authority, effective May 1, 2001, provide, inter alia, for the following:

- “**Every person who manufactures, distributes or dispenses any controlled substance or who proposes to engage in the manufacture, distribution or dispensing of any controlled substance shall obtain annually a controlled substance permit unless exempted by law or pursuant to Section 3.2 of this rule.” 15 C.S.R. § 2-3.1.1.**
- “**All registrants shall provide effective controls and procedures to guard against theft and diversion of controlled substances.” 15 C.S.R. § 2-4.2.1.**
- “**The registrant shall design and operate a system to disclose to the registrant suspicious orders of controlled substances. The registrant shall inform the Office of the West Virginia Board of Pharmacy of**

suspicious orders when discovered by the registrant. Suspicious orders include orders of unusual size, orders deviating substantially from a normal pattern, and orders of unusual frequency." 15 C.S.R. § 2-4.4.

16. The Defendants have failed to diligently respond to suspicious orders which the Defendants have filled. The Defendants therefore have failed to provide effective controls and procedures to guard against diversion of controlled substances in contravention of West Virginia law.

17. By failing to do so, Defendants have willfully and repeatedly violated the Uniform Controlled Substances Act and corresponding regulations.

18. The State, by and through, the Attorney General under the authority of W.Va. Code § 60A-5-501(c) and W. Va. Code § 60A-5-503(a) seeks to restrain the violations of 15 C.S.R. § 2-4.4.

19. The State of West Virginia has in the past sustained enormous damages as the proximate result of the failure by the Defendants to comply with 15 CSR §2-4.2.1 and 15 CSR §2-4.4. Unless restrained by injunctive relief the State will continue to suffer losses as the proximate result of the failure by the Defendants to monitor and to disclose suspicious orders of controlled substances.

20. The State of West Virginia has suffered irreparable harm and will in the future suffer irreparable harm unless the Defendants are restrained by an injunction.

21. An action for damages for past losses as sustained by the State is an inadequate remedy to prevent future losses which will result from the failure to comply with West Virginia law.

Count II

**Damages Resulting From Negligence and Violations of the
West Virginia Uniform Controlled Substances Act**

22. The Plaintiff hereby incorporates by reference all of the previous allegations of this Complaint.

23. In addition to regulating the wholesale distribution of controlled substances the West Virginia Uniform Controlled Substances Act authorizes the Board of Pharmacy to administer the provisions of Chapter 60A (the UCSA), §60A-2-201, which this Plaintiff is required by law to enforce, §60A-5-501(c).

24. The epidemic prescription drug abuse is attended and promoted by the repeated violation of various provisions of the West Virginia Uniform Controlled Substances Act, to wit;

- a. Improper dispensing of prescriptions contrary to W.Va Code §60A-3-308;
- b. Engaging in prohibited acts contrary to W.Va Code §§60A-4-401 through 403;
- c. Deceiving and attempting to deceive medical practitioners in order to obtain prescriptions in contravention of W.Va. Code §60A-4-410;
- d. Disregarding the requirements of the Wholesale Drug Distribution Licensing Act of 1991, W.Va. Code §60A-8-1 et seq.; and
- e. Conspiring to violate the West Virginia Uniform Controlled Substances Act.

25. The Defendants are distributors of controlled substances and are expected to comply both with the laws of the State into which they distribute controlled substances and

with industry custom and standards. In the instant case the standard of conduct for Defendants' industry requires that the Defendants know their customers which includes inter alia an awareness of their customer base, knowledge of the average prescriptions filled each day, the percentage of controlled substances compared to overall purchases, a description of how the dispenser fulfills its responsibility to ensure that prescriptions filled are for legitimate medical purposes, and identification of physicians and bogus centers for the alleged treatment of pain that are the dispenser's most frequent prescribers.

26. This Defendants have wilfully turned a blind eye towards the actual facts by regularly distributing large quantities of controlled substances to customers who are serving a customer base comprised of individuals who are themselves abusing prescription medications, many of whom are addicted and all of whom can reasonably be expected to become addicted. The Defendants negligently acted with others to violate West Virginia's drug laws, dispensing controlled substances for non-legitimate medical purposes, operating bogus pain clinics which do little more than provide prescriptions for controlled substances and thereby creating and continuing addictions to prescription medications.

27. Under West Virginia law a party who violates a statute which violation results in damages is liable for such damages as are sustained therefrom, W.Va. Code §55-7-9.

28. This Defendants have by their acts and omissions proximately caused and substantially contributed to damages to the State of West Virginia by violating West Virginia laws, by creating conditions which contribute to the violations of West Virginia laws by others, by their negligence and by their reckless disregard of the customs, standards and practices within Defendants' own industry.

Count III

Violation of the West Virginia Consumer Credit and Protection Act (WVCCPA)

Unfair Methods of Competition or Unfair or Deceptive Acts or Practices

29. Plaintiff hereby incorporates by reference all of the previous allegations of this Complaint.

30. West Virginia law as embodied in W.Va. Code §46A-6-104 prohibits the use of unfair methods and/or competition or unfair or deceptive acts or practices in any trade or commerce.

31. The Attorney General is specifically charged with the administration of this provision and may act *sua sponte* as the agent and legal representative of the State in civil proceedings to enforce the statute, W. Va. Code § 46A-6-103, §§ 46A-7-102, -108, -110, -111.

32. Violations of statutes and regulations which are enacted to protect the public or in the exercise of the State's police power constitute unfair or deceptive acts or practices.

33. The Uniform West Virginia Controlled Substances Act, W. Va. Code § 60A-3-301, provides, in relevant part that "The State Board of Pharmacy shall promulgate rules and charge fees relating to the registration and control of the manufacture and distribution of controlled substances within this State . . ."

34. The regulations promulgated pursuant to this authority, effective May 1, 2001, provided that:

- "Every person who manufactures, distributes or dispenses any controlled substance or who proposes to engage in the manufacture, distribution or dispensing of any controlled substance shall obtain

annually a controlled substance permit unless exempted by law or pursuant to Section 3.2 of this rule.” 15 C.S.R. § 2-3.1.1.

- “All registrants shall provide effective controls and procedures to guard against theft and diversion of controlled substances.” 15 C.S.R. § 2-4.2.1.
- “The registrant shall design and operate a system to disclose to the registrant suspicious orders of controlled substances. The registrant shall inform the Office of the West Virginia Board of Pharmacy of suspicious orders when discovered by the registrant. Suspicious orders include orders of unusual size, orders deviating substantially from a normal pattern, and orders of unusual frequency.” 15 C.S.R. § 2-4.4.

35. Each violation of these mandatory duties in the West Virginia Uniform Controlled Substances Act and its corresponding regulations is an unfair or deceptive act or practice in the conduct of trade or commerce, as set forth in W. Va. Code § 46A-6-104.

36. Defendants’ repeated violations were and are willful.
37. As a result of the Defendants’ actions and omissions Plaintiff has sustained damages, both past and in the future.

38. In addition to compensatory damages, Plaintiff seeks all statutory damages available under the WVCCPA, including but not limited to the following:

- a. Actual damages for past and future violations of the WVCCPA as authorized by W. Va. Code § 46A-5-101(1);
- b. Statutory damages in the maximum amount authorized by W. Va. Code § 46A-5-101(1) as adjusted for inflation pursuant to W. Va. Code § 46A-5-106;
- c. Attorney fees and court costs, pursuant to W. Va. Code § 46A-5-104; and
- d. Penalties for *each* willful violation pursuant to W. Va. Code § 46A-7-111(2).

Count IV

Creating A Public Nuisance

39. Plaintiff hereby incorporates by reference all of the previous allegations of this Complaint.

40. These Defendants were on notice that an epidemic from prescription drug abuse existed and has existed during times which are relevant to this Complaint. Such notice is the result of

- An inordinate amount of media coverage by both national and local print, television and radio media.
- Publications received from government sources as well as warnings and recommendations contained in trade and professional journals.
- Changes in law and regulations which were designed specifically to address the growing problem of prescription drug abuse.

41. The widespread publicity contained many references and statistics concerning West Virginia's problems from prescription drug abuse including, but not limited to, suffering the nation's highest per capita death rate from prescription drug overdose.

42. Notwithstanding the knowledge of this epidemic the Defendants persistently engaged in a pattern of distributing controlled substances of the kinds which were well-known to be abused and diverted all the while distributing them in such quantities and with such frequency that the Defendants knew or should have known that these substances were not being prescribed and consumed for legitimate medical purposes.

43. As the result of the above-described conduct the Defendants negligently, recklessly and/or intentionally, and acting with blind indifference to the facts, created and

continued a public nuisance. More particularly, the public nuisance so created injuriously affects the communities of West Virginia, endangers the public health and safety and inconveniences the citizens of the State in the following ways:

- Areas in certain communities have become congested with persons who gather in large groups outside of "clinics, pharmacies and physician offices" which are in fact component parts of pill mills which exist only to prescribe and deliver drugs for illicit, non-medical purposes.
- Crimes and other dangerous activities have increased.
- Hospital services, especially those services provided by emergency rooms, are being consumed by persons with prescription drug abuse issues.
- Law enforcement and prosecutorial resources are being exhausted and consumed by having to address prescription drug abuse issues to the exclusion of other matters.
- Public resources are being unreasonably consumed in efforts to address the prescription drug abuse epidemic, thereby eliminating available resources which could be used to benefit the public at large.
- Court dockets are congested by drug-related cases as well as by crimes committed by addicts, thereby diminishing access to our courts by others.
- Jails and prisons suffer from overcrowding.

44. The Defendants' acts and omissions which have caused and contributed to the nuisance described herein has damaged the health and safety of West Virginia citizens in the past and will continue to do so in the future unless the nuisance is abated.

45. The State of West Virginia has sustained economic harm and will in the future suffer economic harm unless the above-described public nuisance is abated.

Count V

Unjust Enrichment

46. Plaintiff hereby incorporates by reference all of the previous allegations of this Complaint.

47. Because of prescription drug abuse the State of West Virginia expends additionally hundreds of millions of dollars annually on law enforcement, prosecutors and prosecutions, courts and court personnel, public defender services, corrections and correctional facilities, probation and parole, public welfare and service agencies, healthcare and medical services and drug abuse education. Further, the State suffers losses in revenue and incurs costs from workplace accidents and absenteeism resulting from prescription drug abuse.

48. The State of West Virginia remains responsible for costs of prescriptions, health care and other medically-related costs, rehabilitation and work-related programs, workers' compensation, public insurance, law enforcement, prosecution costs, court related costs, public defender services, correctional institutions, probation and parole services, which costs have substantially increased as the result of the Defendants' acts and omissions herein complained of and will in the future continue to increase unless the Defendants' conduct is abated.

49. The Defendants have thus been enriched unjustly by neglecting its duty of distributing drugs only for proper medical purposes which substances are consumed for reasons which are other than medical.

50. The unjust enrichment of the Defendants is directly related to the damage, loss and detriment to the Plaintiff State of West Virginia.

Count VI

Negligence

51. The State realleges and incorporates by reference all preceding paragraphs as though fully set forth herein and further alleges the following.

52. Defendants have a duty to exercise reasonable care in the marketing, promotion and distribution of controlled substances.

53. Defendants have breached this duty by their conduct alleged above.

54. As a proximate result, Defendants and their agents have caused the State to incur excessive prescription costs, health care costs and other medical costs related to diagnosis, treatment and cure of addiction or the risk of addiction to such controlled substances in that many of the citizens of West Virginia are Medicaid or publicly-funded health care recipients, thus the State has borne the massive costs of these illnesses and conditions by having to provide necessary medical care, facilities and services for treatment of citizens of West Virginia who are unable to afford or otherwise obtain such necessary medical care, facilities and services.

55. The Defendants were negligent in failing to guard against third-party misconduct, i.e. the conduct of the so-called “pill mill” physicians and staff as well as corrupt pharmacists and staff and, in fact, by their actions the Defendants participated in such misconduct.

56. Defendants’ conduct has imposed an unreasonable risk of harm to others separately and/or as combined with the negligent and/or criminal acts of third parties.

57. The Defendants are in a class of a limited number of parties that distribute

controlled substances and such activity poses distinctive and significant dangers. The dangers include diversion of controlled substances for non-legitimate medical purposes and addiction to same by consumers.

58. The Defendants are negligent in not acquiring and utilizing special knowledge and special skills that relate to the dangerous activity in order to prevent and/or ameliorate such distinctive and significant dangers.

59. Controlled substances are dangerous commodities. The Defendant distributors are required to exercise a high degree of care and diligence to prevent injury to the public from the diversion of controlled substances during distribution. The Defendants breached their duty to exercise the degree of care, prudence, watchfulness, and vigilance commensurate to the dangers involved in the transaction of its business. The Defendants cannot delegate this duty of care to another.

60. The distribution of these controlled substances are under the exclusive control and management of the Defendants. Plaintiff is without fault and the injuries to Plaintiff would not have happened in the ordinary course of events had the Defendants used due care commensurate to the dangers involved in the distribution of controlled substances. Hence, the Defendants are negligent.

Count VII

Medical Monitoring

61. Through Defendants' tortious acts, omissions, and conduct as set forth above, users and abusers of prescription drugs have been significantly exposed to the dangers of addiction and misuse. Further, pill mill doctors and pharmacies and other careless professionals

have been assisted in their acts or in their carelessness by the availability of such large quantities of abused substances. The increased risk of harm which attends these acts and omissions makes it both reasonable and necessary for the dependent users and abusers to undergo periodic diagnostic medical examinations different from what would be prescribed in the absence of the exposure. Monitoring, testing and counseling procedures exist for such treatment.

62. Diagnosis and treatment of these conditions is clinically invaluable in that it can prevent or reduce illness, suffering and/or death.

63. Many individuals who are at risk for addiction and dependency from exposure to overuse of prescription drugs cannot afford appropriate testing and/or therapy.

64. The increased susceptibility to death, injuries and irreparable harm to the health of abusers and dependent users resulting from their exposure to prescription drugs can only be mitigated or addressed by the creation of a Court-supervised fund, financed by the Defendants, that will fund a comprehensive medical monitoring program of:

- a. Notifying individuals.
- b. Aiding in diagnosis and treatment.
- c. Funding studies and research of the short and long term effects and treatment of overuse, misuse and addiction to prescription drugs.
- d. Accumulating and analyzing relevant medical and demographic information.
- e. Creating, maintaining and operating a “registry” in which relevant demographic and medical information is gathered, maintained and analyzed; and
- f. Gathering and forwarding to treating physicians information related to proper diagnosis and treatment.

65. Prescription drug users in West Virginia have no adequate remedy at law in that monetary damages alone do not compensate for the continuing nature of the harm to them, and a monitoring program which notifies them of the dangers and aids in their treatment can prevent the greater harms which may not occur immediately but which is preventable if proper research is conducted and the health risk is diagnosed and treated before harm occurs or become worse.

66. Without a court-approved medical treatment monitoring program, the relevant product users will not receive prompt medical care which could detect and prolong their productive lives, increase prospects for improvement and minimize disability.

Count VIII

Antitrust

67. The State realleges and incorporates by reference all preceding paragraphs as though fully set forth herein and further alleges as follows:

68. The Attorney General of the State of West Virginia is empowered by law pursuant to West Virginia Code §§47-18-6, 47-18-7 and 47-18-9 to investigate suspected violation of, and to bring actions of behalf of, the State of West Virginia for damages sustained by the State that result from violation of the West Virginia Antitrust Act.

69. Defendants, as described above, have violated said Act in particular, but without limitation, W.Va Code §47-18-3(b)(1)(B) and W.Va Code §47-18-4, which read in pertinent part:

b. Without limiting the effect of subsection (a) of the section, the

following shall be deemed to restrain commerce unreasonably and are unlawful:

1. A contract, combination or conspiracy between two or more persons:
.....
B. Fixing, controlling, maintaining, limiting or discontinuing the production, manufacture, mining, sale or supply of any commodity, or the sale or supply of any service, for the purpose or with the effect of fixing, controlling or maintaining the market price rate or fee of the commodity or service. . . .

W.Va Code §47-18-3(b)(1)(B), §47-18-4.

70. The Defendants have utilized unfair and deceptive business practices to attempt to obtain dominant market share in the West Virginia market for controlled substances.

71. The Defendants have conspired with “pill mill” physicians and pharmacies who prescribe and fill these prescriptions for non-legitimate medicine purposes in order to restrain and monopolize trade in West Virginia for the “pill mill” market. This conduct had and has resulted in a restraint of trade or had an anti-competitive effect on trade by seeking to gain an advantage over law-abiding, careful wholesale distributors.

72. Such attempts to provide controlled substances for non-legitimate medical purposes, contrary to law, substantially lessened competition, restrained trade or tended to create a monopoly in the illicit pill mill controlled substance scheme in West Virginia.

73. The combined actions of certain physicians, pharmacies and the Defendants in prescribing, filling and distributing controlled substances for non-legitimate medical use, harms and restrains competition. The Defendants unfairly and contrary to law distributed controlled substances which prohibits distributors who distribute controlled substances for legitimate medical purposes from competing in the “pill mill market” which resulted in harm to the citizens of West Virginia and restrained trade.

74. The combined actions, described above, allocates or divides customers or markets within West Virginia to the Defendants that distributes controlled substances for non-legitimate medical purposes, which is in violation of W.Va Code 47-18-3(b)(1)(c).

Prayer

WHEREFORE, the Plaintiff prays that the Court grant the following relief:

1. Enter temporary and permanent injunction which mandates the Defendants to promptly inform the West Virginia Board of Pharmacy of any all and all suspicious orders for controlled substances as received from parties who are located in West Virginia and to submit their system for determining suspicious orders to West Virginia authorities for prior approval. Enter temporary and permanent injunction which mandates that Defendants are enjoined from distributing in West Virginia any controlled substances for any non-legitimate medical purpose.

2. Order a jury trial to determine such costs, losses and damages as are proved in this action in relation to the several counts of this Complaint including, but not limited to:

a. Losses sustained as the proximate result of both negligent and conscious violations of the West Virginia Uniform Controlled Substances Act and regulations;

b. Damages sustained as the proximate result of nuisances created by the prescription drug abuse epidemic;

c. Damages and losses sustained as the proximate result of the Defendants' negligence in marketing, promoting and distribution of controlled substances in West Virginia;

d. Disgorgement of unjust enrichment of the Defendants;

- e. Treble damages under the West Virginia Antitrust Act.
3. Such relief, fees and cost as shall be available under the West Virginia Credit and Consumer Protection Act.
4. Order reimbursement of all litigation costs and enter an award of attorney fees herein.
5. Order a plan of medical monitoring.
6. And grant such other and further relief as shall be deemed appropriate herein.

Plaintiff seeks a jury trial for all such counts as are so triable.

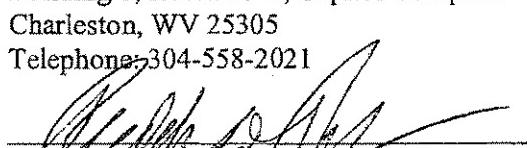
State of West Virginia ex. rel.

Darrell V. McGraw, Jr.
Attorney General

By Counsel,


Frances A. Hughes
Frances A. Hughes, WV Bar No. 1816
Managing Deputy Attorney General
OFFICE OF ATTORNEY GENERAL
Building 1, Room 26-E, Capitol Complex
Charleston, WV 25305
Telephone: 304-558-2021


James M. Cagle, WV Bar No. 580
Cagle & Jackson, Attorneys
P.O. Box 12326
Big Chimney Station
Charleston, WV 25301


Rudolph L. DiTrapano, WV Bar No. 1024
DiTrapano, Barrett & DiPiero
604 Virginia Street, East
Charleston, WV 25301

IN THE CIRCUIT COURT OF BOONE COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA
ex rel DARRELL V. MCGRAW, JR.
Attorney General,

Plaintiff,

v.

Civil Action No. 12-C-141

AMERISOURCEBERGEN DRUG CORPORATION,
a Delaware corporation doing business in
West Virginia, MIAMI-LUKEN, INC., an
Ohio corporation doing business in West Virginia,
**J.M. SMITH CORPORATION d/b/a SMITH DRUG
COMPANY**, a South Carolina corporation doing
business in West Virginia, **THE HARVARD DRUG
GROUP, LLC**, a Michigan corporation doing business
in West Virginia, ANDA INC., a Florida corporation doing
business in West Virginia, ASSOCIATED PHARMACIES,
INC., an Alabama corporation doing business in West
Virginia, AUBURN PHARMACEUTICAL COMPANY, a
Michigan corporation doing business in West Virginia,
H.D. SMITH WHOLESALE DRUG COMPANY, a
Delaware corporation doing business in West Virginia,
KEYSOURCE MEDICAL INC., an Ohio corporation
doing business in West Virginia, **MASTERS
PHARMACEUTICALS, INC.**, an Ohio corporation doing
business in West Virginia, **QUEST PHARMACEUTICALS,
INC.**, a Kentucky corporation doing business in West Virginia,
RICHIE PHARMACAL CO., INC., a Kentucky corporation
doing business in West Virginia, and **TOP RX, INC.**, a Tennessee
corporation doing business in West Virginia,

Defendant.

To the above-named Defendant.

IN THE NAME OF THE STATE OF WEST VIRGINIA:

You are hereby summoned and required to serve upon Frances A. Hughes, Plaintiff's attorney, whose address is Office of the Attorney General, Building 1, Room 26-E, Capitol Complex, Charleston, West Virginia 25305, an answer, including any related counterclaim or defense you may have, to the Complaint filed against you in the above-styled civil action, a true

copy of which is herewith delivered to you. You are required to serve your answer within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, thereafter judgment, upon proper hearing and trial, may be taken against you for the relief demanded in the Complaint, and you will be thereafter barred from asserting in another action any claim, counter petition or defense you may have which must be asserted in the above-styled civil action.

Dated: June 26th, 2012

Sue Ann Zickfoose

Clerk of Court

OFFICE OF THE CIRCUIT CLERK
BOONE
200 State Street
Madison, WV 25130

Receipt #: 78909

Date Received: 06/26/12

Received From: FRANCES A HUGHES

155.00

STATE OF WV, EX REL DARRELL MCGRAW J

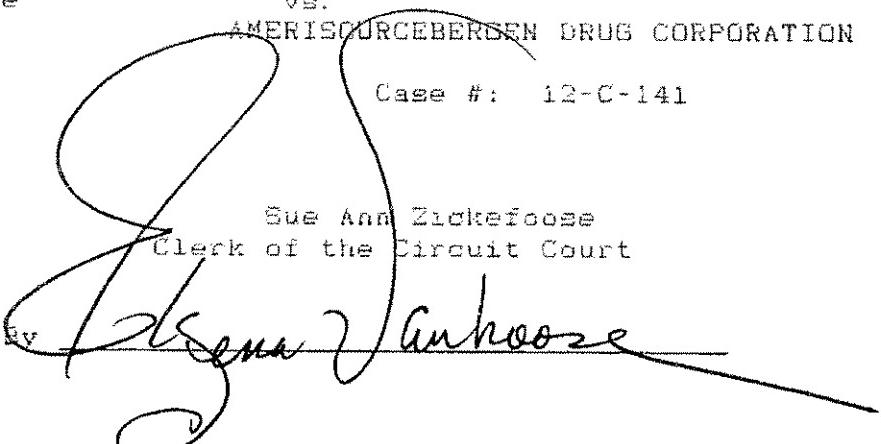
Style of Case

vs.
AMERISOURCEBERGER DRUG CORPORATION

Case #: 12-C-141

In Payment of FILING FEE
By Check 2898

Sue Ann Zickeyfoose
Clerk of the Circuit Court

By 

OFFICE OF THE CIRCUIT CLERK
BOONE
200 State Street
Madison, WV 25130

Receipt #: 78909

Date Received: 06/26/12

Received From: FRANCES A HUGHES

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STATE OF WV, EX REL DARRELL MCGRAW

Style of Case

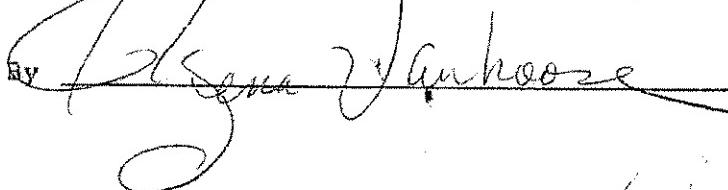
vs.
AMERISOURCEBERGEN DRUG CORPORATION

Case #: 12-C-141

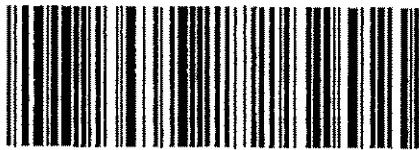
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By Check 2898

Sue Ann Zickefoose
Clerk of the Circuit Court

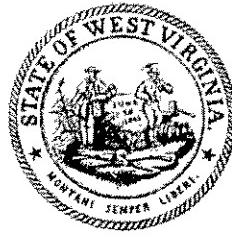
By



Office of the Secretary of State
Building 1 Suite 157-K
1900 Kanawha Blvd E
Charleston, WV 25305



9171 9237 9000 1000 6953 93

**Natalie E. Tenant**

Secretary of State
Telephone: 304-558-6000
Toll Free: 866-SOS-VOTE
www.wvsos.com

ControlNumber:	338901
Defendant:	Miami-Luken, Inc.

County:	3
Civil Action:	6/27/2012 12-C-141

Sue Ann Zickefoose, Circuit Clerk
Boone County Courthouse
200 State Street
Madison WV 25130-1189

I am enclosing:

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| <input type="checkbox"/> summons | <input type="checkbox"/> affidavit | <input checked="" type="checkbox"/> 1 summons and complaint |
| <input type="checkbox"/> notice | <input type="checkbox"/> answer | <input type="checkbox"/> summons and verified complaint |
| <input type="checkbox"/> order | <input type="checkbox"/> cross-claim | <input type="checkbox"/> summons and amended complaint |
| <input type="checkbox"/> petition | <input type="checkbox"/> counterclaim | <input type="checkbox"/> 3rd party summons and complaint |
| <input type="checkbox"/> motion | <input type="checkbox"/> request | <input type="checkbox"/> notice of materialmans lien |
| <input type="checkbox"/> suggestions | <input type="checkbox"/> notice to redeem | <input type="checkbox"/> notice of mechanic's lien |
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| <input type="checkbox"/> discovery | <input type="checkbox"/> request for admissions | <input type="checkbox"/> subpoena duces tecum |
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| <input type="checkbox"/> subpoena | <input type="checkbox"/> writ | |
| <input type="checkbox"/> stipulation | <input type="checkbox"/> writ of mandamus | |

RECEIVED
BOONE COUNTY
CIRCUIT CLERK
SUE ANN ZICKEFOOSE
2012 JUL - 3 AM 11:51

which was served on the Secretary at the State Capitol as your statutory attorney-in-fact. According to law, I have accepted service of process in the name and on behalf of your corporation.

Please note that this office has no connection whatsoever with the enclosed documents other than to accept service of process in your name and on behalf as your attorney-in-fact. Please address any questions about this document directly to the court or the plaintiff's attorney, shown in the enclosed paper, not to the Secretary of State's office.

Sincerely,

Natalie E. Tenant
Secretary of State

IN THE CIRCUIT COURT OF BOONE COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA
ex rel DARRELL V. MCGRAW, JR.
Attorney General,

Plaintiff,

v.

Civil Action No. 12-C-141

AMERISOURCEBERGEN DRUG CORPORATION,
a Delaware corporation doing business in
West Virginia, MIAMI-LUKEN, INC., an
Ohio corporation doing business in West Virginia,
J.M. SMITH CORPORATION d/b/a SMITH DRUG
COMPANY, a South Carolina corporation doing
business in West Virginia, **THE HARVARD DRUG**
GROUP, LLC, a Michigan corporation doing business
in West Virginia, ANDA INC., a Florida corporation doing
business in West Virginia, ASSOCIATED PHARMACIES,
INC., an Alabama corporation doing business in West
Virginia, AUBURN PHARMACEUTICAL COMPANY, a
Michigan corporation doing business in West Virginia,
H.D. SMITH WHOLESALE DRUG COMPANY, a
Delaware corporation doing business in West Virginia,
KEYSOURCE MEDICAL INC., an Ohio corporation
doing business in West Virginia, **MASTERS**
PHARMACEUTICALS, INC., an Ohio corporation doing
business in West Virginia, **QUEST PHARMACEUTICALS,**
INC., a Kentucky corporation doing business in West Virginia,
RICHIE PHARMACAL CO., INC., a Kentucky corporation
doing business in West Virginia, and **TOP RX, INC.**, a Tennessee
corporation doing business in West Virginia,

Defendant.

ACCEPTED FOR
SERVICE OF PROCESS
2012 JULY 27 PM 1:03
SECRETARY OF STATE
STATE OF WEST VIRGINIA

To the above-named Defendant.

IN THE NAME OF THE STATE OF WEST VIRGINIA:

You are hereby summoned and required to serve upon Frances A. Hughes, Plaintiff's attorney, whose address is Office of the Attorney General, Building 1, Room 26-E, Capitol Complex, Charleston, West Virginia 25305, an answer, including any related counterclaim or defense you may have, to the Complaint filed against you in the above-styled civil action, a true

copy of which is herewith delivered to you. You are required to serve your answer within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, thereafter judgment, upon proper hearing and trial, may be taken against you for the relief demanded in the Complaint, and you will be thereafter barred from asserting in another action any claim, counter petition or defense you may have which must be asserted in the above-styled civil action.

Dated: June 26, 2012

Sue Ann Zickeyfoose

Clerk of Court

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BOONE COUNTY
CIRCUIT CLERK
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Office of the Secretary of State
Building 1 Suite 157-K
1900 Kanawha Blvd E
Charleston, WV 25305



9171 9237 9000 1000 6954 09



Natalie E. Tennant

Secretary of State

Telephone: 304-558-6000

Toll Free: 866-SOS-VOTE

www.wvsos.com

ControlNumber:	338905
Defendant:	J M Smith Corporation

County:	3
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Civil Action:	6/27/2012
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Sue Ann Zickefoose, Circuit Clerk
Boone County Courthouse
200 State Street
Madison WV 25130-1189

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BOONE COUNTY CIRCUIT CLERK
SUE ANN ZICKEFOOSE

I am enclosing:

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| <input type="checkbox"/> subpoena | <input type="checkbox"/> writ | |
| <input type="checkbox"/> stipulation | <input type="checkbox"/> writ of mandamus | |

which was served on the Secretary at the State Capitol as your statutory attorney-in-fact. According to law, I have accepted service of process in the name and on behalf of your corporation.

Please note that this office has no connection whatsoever with the enclosed documents other than to accept service of process in your name and on behalf as your attorney-in-fact. Please address any questions about this document directly to the court or the plaintiff's attorney, shown in the enclosed paper, not to the Secretary of State's office.

Sincerely,

Natalie E. Tennant
Secretary of State

IN THE CIRCUIT COURT OF BOONE COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA
ex rel DARRELL V. MCGRAW, JR.
Attorney General,
Plaintiff,

v.

Civil Action No. 12-C-141

AMERISOURCEBERGEN DRUG CORPORATION,
a Delaware corporation doing business in
West Virginia, MIAMI-LUKEN, INC., an
Ohio corporation doing business in West Virginia,
**J.M. SMITH CORPORATION d/b/a SMITH DRUG
COMPANY**, a South Carolina corporation doing
business in West Virginia, **THE HARVARD DRUG
GROUP, LLC**, a Michigan corporation doing business
in West Virginia, ANDA INC., a Florida corporation doing
business in West Virginia, ASSOCIATED PHARMACIES,
INC., an Alabama corporation doing business in West
Virginia, AUBURN PHARMACEUTICAL COMPANY, a
Michigan corporation doing business in West Virginia,
H.D. SMITH WHOLESALE DRUG COMPANY, a
Delaware corporation doing business in West Virginia,
KEYSOURCE MEDICAL INC., an Ohio corporation
doing business in West Virginia, **MASTERS
PHARMACEUTICALS, INC.**, an Ohio corporation doing
business in West Virginia, **QUEST PHARMACEUTICALS,
INC.**, a Kentucky corporation doing business in West Virginia,
RICHIE PHARMACAL CO., INC., a Kentucky corporation
doing business in West Virginia, and **TOP RX, INC.**, a Tennessee
corporation doing business in West Virginia,

Defendant.

2012 JULY 27 PM 4:03
SECRETARY OF STATE
STATE OF WEST VIRGINIA
ATTEST: OFFICE OF ATTORNEY GENERAL

To the above-named Defendant.

IN THE NAME OF THE STATE OF WEST VIRGINIA:

You are hereby summoned and required to serve upon Frances A. Hughes, Plaintiff's attorney, whose address is Office of the Attorney General, Building 1, Room 26-E, Capitol Complex, Charleston, West Virginia 25305, an answer, including any related counterclaim or defense you may have, to the Complaint filed against you in the above-styled civil action, a true

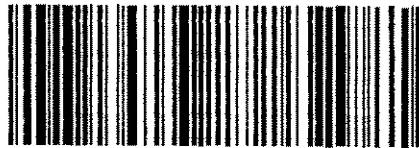
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Dated: June 26, 2012

Sue Ann Zickfoose

Clerk of Court

Office of the Secretary of State
Building 1 Suite 157-K
1900 Kanawha Blvd E
Charleston, WV 25305



9171 9237 9000 1000 6953 86



Natalie E. Tennant

Secretary of State
Telephone: 304-558-6000
Toll Free: 866-SOS-VOTE
www.wvsos.com

ControlNumber: 338898
Defendant: Amerisourcebergen Drug Corporation

County: 3

Civil Action: 6/27/2012 12-C-141

RECEIVED
2012 JUL - 3 A 11:58
BOONE COUNTY CIRCUIT CLERK
SUE ANN ZICKEFOOSE

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| <input type="checkbox"/> order | <input type="checkbox"/> cross-claim | <input type="checkbox"/> summons and amended complaint |
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| <input type="checkbox"/> subpoena | <input type="checkbox"/> writ | |
| <input type="checkbox"/> stipulation | <input type="checkbox"/> writ of mandamus | |

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Sincerely,

Natalie E. Tennant
Secretary of State

IN THE CIRCUIT COURT OF BOONE COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA
ex rel DARRELL V. MCGRAW, JR.
Attorney General,

Plaintiff,

v.

Civil Action No. 12-C-141

AMERISOURCEBERGEN DRUG CORPORATION,
a Delaware corporation doing business in
West Virginia, **MIAMI-LUKEN, INC.**, an
Ohio corporation doing business in West Virginia,
J.M. SMITH CORPORATION d/b/a SMITH DRUG
COMPANY, a South Carolina corporation doing
business in West Virginia, **THE HARVARD DRUG**
GROUP, LLC, a Michigan corporation doing business
in West Virginia, **ANDA INC.**, a Florida corporation doing
business in West Virginia, **ASSOCIATED PHARMACIES,**
INC., an Alabama corporation doing business in West
Virginia, **AUBURN PHARMACEUTICAL COMPANY**, a
Michigan corporation doing business in West Virginia,
H.D. SMITH WHOLESALE DRUG COMPANY, a
Delaware corporation doing business in West Virginia,
KEYSOURCE MEDICAL INC., an Ohio corporation
doing business in West Virginia, **MASTERS**
PHARMACEUTICALS, INC., an Ohio corporation doing
business in West Virginia, **QUEST PHARMACEUTICALS,**
INC., a Kentucky corporation doing business in West Virginia,
RICHIE PHARMACAL CO., INC., a Kentucky corporation
doing business in West Virginia, and **TOP RX, INC.**, a Tennessee
corporation doing business in West Virginia,

Defendant.

STATE OF WEST VIRGINIA
DEPARTMENT OF JUSTICE
ATTORNEY GENERAL'S OFFICE

JUL 27 PM 4:02

SUITE 600
ATTORNEY GENERAL
CHARLESTON, W.V.

To the above-named Defendant.

IN THE NAME OF THE STATE OF WEST VIRGINIA:

You are hereby summoned and required to serve upon Frances A. Hughes, Plaintiff's attorney, whose address is Office of the Attorney General, Building 1, Room 26-E, Capitol Complex, Charleston, West Virginia 25305, an answer, including any related counterclaim or defense you may have, to the Complaint filed against you in the above-styled civil action, a true

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Dated: June 26, 2012

Sue Ann Zickfoose

Clerk of Court

Office of the Secretary of State
Building 1 Suite 157-K
1900 Kanawha Blvd E
Charleston, WV 25305



9171 9237 9000 1000 6958 50



Natalie E. Tennant

Secretary of State
Telephone: 304-558-6000
Toll Free: 866-SOS-VOTE
www.wvsos.com

ControlNumber:	339013
Defendant:	Top RX, Inc.

County:	BOONE COUNTY	3
Civil Action:	SUE ANN ZICKEFOOSE C-141	6/28/2012
RECEIVED	7017 JU - 5 P 12:35	

Sue Ann Zickefoose, Circuit Clerk
Boone County Courthouse
200 State Street
Madison WV 25130-1189

I am enclosing:

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| <input type="checkbox"/> discovery | <input type="checkbox"/> request for admissions | <input type="checkbox"/> subpoena duces tecum |
| <input type="checkbox"/> suggestee execution | <input type="checkbox"/> notice of um claim | <input type="checkbox"/> Other |
| <input type="checkbox"/> subpoena | <input type="checkbox"/> writ | |
| <input type="checkbox"/> stipulation | <input type="checkbox"/> writ of mandamus | |

which was served on the Secretary at the State Capitol as your statutory attorney-in-fact. According to law, I have accepted service of process in the name and on behalf of your unauthorized foreign corporation.

Please note that this office has no connection whatsoever with the enclosed documents other than to accept service of process in your name and on behalf as your attorney-in-fact. Please address any questions about this document directly to the court or the plaintiff's attorney, shown in the enclosed paper, not to the Secretary of State's office.

Sincerely,

Natalie E. Tennant
Secretary of State

IN THE CIRCUIT COURT OF BOONE COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA
ex rel DARRELL V. MCGRAW, JR.
Attorney General,
Plaintiff,

v.

Civil Action No. 12-C-141

AMERISOURCEBERGEN DRUG CORPORATION,
a Delaware corporation doing business in
West Virginia, MIAMI-LUKEN, INC., an
Ohio corporation doing business in West Virginia,
**J.M. SMITH CORPORATION d/b/a SMITH DRUG
COMPANY**, a South Carolina corporation doing
business in West Virginia, **THE HARVARD DRUG
GROUP, LLC**, a Michigan corporation doing business
in West Virginia, ANDA INC., a Florida corporation doing
business in West Virginia, ASSOCIATED PHARMACIES,
INC., an Alabama corporation doing business in West
Virginia, AUBURN PHARMACEUTICAL COMPANY, a
Michigan corporation doing business in West Virginia,
H.D. SMITH WHOLESALe DRUG COMPANY, a
Delaware corporation doing business in West Virginia,
KEYSOURCE MEDICAL INC., an Ohio corporation
doing business in West Virginia, **MASTERS
PHARMACEUTICALS, INC.**, an Ohio corporation doing
business in West Virginia, **QUEST PHARMACEUTICALS,
INC.**, a Kentucky corporation doing business in West Virginia,
RICHIE PHARMACAL CO., INC., a Kentucky corporation
doing business in West Virginia, and **TOP RX, INC.**, a Tennessee
corporation doing business in West Virginia,

Defendant.

ACCEPTED FOR
SERVICE OF PLEA
2012 JUN 29 FILED 2:58
SECRETARY OF STATE
STATE OF WEST VIRGINIA

To the above-named Defendant.

IN THE NAME OF THE STATE OF WEST VIRGINIA:

You are hereby summoned and required to serve upon Frances A. Hughes, Plaintiff's attorney, whose address is Office of the Attorney General, Building 1, Room 26-E, Capitol Complex, Charleston, West Virginia 25305, an answer, including any related counterclaim or defense you may have, to the Complaint filed against you in the above-styled civil action, a true

copy of which is herewith delivered to you. You are required to serve your answer within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, thereafter judgment, upon proper hearing and trial, may be taken against you for the relief demanded in the Complaint, and you will be thereafter barred from asserting in another action any claim, counter petition or defense you may have which must be asserted in the above-styled civil action.

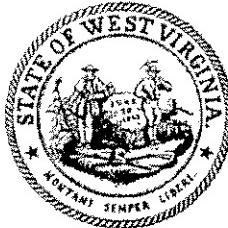
Dated: June 26, 2012

Sue Ann Zickfoose
Clerk of Court

Office of the Secretary of State
Building 1 Suite 157-K
1900 Kanawha Blvd E
Charleston, WV 25305



9171 9237 9000 1000 6958 43



Natalie E. Tennant

Secretary of State
Telephone: 304-558-6000
Toll Free: 866-SOS-VOTE
www.wvsos.com

ControlNumber:	339012
Defendant:	Richie Pharmacal, Co., Inc.

County:	3
---------	---

Civil Action:	6/28/2012
---------------	-----------

12-C-141
SUE ANN ZICKEFOOSE
CIRCUIT CLERK
BOONE COUNTY
WV 2012 JUL -5 P 12:35

RECEIVED

Sue Ann Zickefoose, Circuit Clerk
Boone County Courthouse
200 State Street
Madison WV 25130-1189

I am enclosing:

- | | | |
|---|--|---|
| <input type="checkbox"/> summons | <input type="checkbox"/> affidavit | <input checked="" type="checkbox"/> summons and complaint |
| <input type="checkbox"/> notice | <input type="checkbox"/> answer | <input type="checkbox"/> summons and verified complaint |
| <input type="checkbox"/> order | <input type="checkbox"/> cross-claim | <input type="checkbox"/> summons and amended complaint |
| <input type="checkbox"/> petition | <input type="checkbox"/> counterclaim | <input type="checkbox"/> 3rd party summons and complaint |
| <input type="checkbox"/> motion | <input type="checkbox"/> request | <input type="checkbox"/> notice of materialmans lien |
| <input type="checkbox"/> suggestions | <input type="checkbox"/> notice to redeem | <input type="checkbox"/> notice of mechanic's lien |
| <input checked="" type="checkbox"/> interrogatories | <input checked="" type="checkbox"/> request for production | <input type="checkbox"/> re-issue summons and complaint |
| <input type="checkbox"/> discovery | <input type="checkbox"/> request for admissions | <input type="checkbox"/> subpoena duces tecum |
| <input type="checkbox"/> suggestee execution | <input type="checkbox"/> notice of uim claim | <input type="checkbox"/> Other |
| <input type="checkbox"/> subpoena | <input type="checkbox"/> writ | |
| <input type="checkbox"/> stipulation | <input type="checkbox"/> writ of mandamus | |

which was served on the Secretary at the State Capitol as your statutory attorney-in-fact. According to law, I have accepted service of process in the name and on behalf of your unauthorized foreign corporation.

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Sincerely,

Natalie E. Tennant
Secretary of State

IN THE CIRCUIT COURT OF BOONE COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA
ex rel DARRELL V. MCGRAW, JR.
Attorney General,

Plaintiff,

v.

Civil Action No. 12-C-141

AMERISOURCEBERGEN DRUG CORPORATION,
a Delaware corporation doing business in
West Virginia, MIAMI-LUKEN, INC., an
Ohio corporation doing business in West Virginia,
J.M. SMITH CORPORATION d/b/a SMITH DRUG
COMPANY, a South Carolina corporation doing
business in West Virginia, THE HARVARD DRUG
GROUP, LLC, a Michigan corporation doing business
in West Virginia, ANDA INC., a Florida corporation doing
business in West Virginia, ASSOCIATED PHARMACIES,
INC., an Alabama corporation doing business in West
Virginia, AUBURN PHARMACEUTICAL COMPANY, a
Michigan corporation doing business in West Virginia,
H.D. SMITH WHOLESALE DRUG COMPANY, a
Delaware corporation doing business in West Virginia,
KEYSOURCE MEDICAL INC., an Ohio corporation
doing business in West Virginia, MASTERS
PHARMACEUTICALS, INC., an Ohio corporation doing
business in West Virginia, QUEST PHARMACEUTICALS,
INC., a Kentucky corporation doing business in West Virginia,
RICHIE PHARMACAL CO., INC., a Kentucky corporation
doing business in West Virginia, and TOP RX, INC., a Tennessee
corporation doing business in West Virginia,

Defendant.

RECEIVED FOR
SERVICE OF PAPERS
SECRETARY OF STATE
STATE OF WEST VIRGINIA
2012 JUN 28 PM 2:57

To the above-named Defendant.

IN THE NAME OF THE STATE OF WEST VIRGINIA:

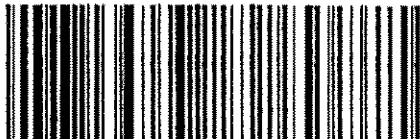
You are hereby summoned and required to serve upon Frances A. Hughes, Plaintiff's attorney, whose address is Office of the Attorney General, Building 1, Room 26-E, Capitol Complex, Charleston, West Virginia 25305, an answer, including any related counterclaim or defense you may have, to the Complaint filed against you in the above-styled civil action, a true

copy of which is herewith delivered to you. You are required to serve your answer within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, thereafter judgment, upon proper hearing and trial, may be taken against you for the relief demanded in the Complaint, and you will be thereafter barred from asserting in another action any claim, counter petition or defense you may have which must be asserted in the above-styled civil action.

Dated: June 26, 2012

Sue Ann Zickafoose
Clerk of Court

Office of the Secretary of State
Building 1 Suite 157-K
1900 Kanawha Blvd E
Charleston, WV 25305



9171 9237 9000 1000 6958 36

**Natalie E. Tennant**

Secretary of State
Telephone: 304-558-6000
Toll Free: 866-SOS-VOTE
www.wvsos.com

ControlNumber:	339011
Defendant:	Quest Pharmaceuticals, Inc.
County:	SUE ANN ZICKFOOSE BOONE COUNTY WV 28601-1412
Civil Action:	RECEIVED 2012 JUL -5 PM 12:36 SUE ANN ZICKFOOSE

Sue Ann Zickefoose, Circuit Clerk
Boone County Courthouse
200 State Street
Madison WV 25130-1189

I am enclosing:

- | | | |
|---|---|--|
| <input type="checkbox"/> summons | <input type="checkbox"/> affidavit | <input type="checkbox"/> 1 summons and complaint |
| <input type="checkbox"/> notice | <input type="checkbox"/> answer | <input type="checkbox"/> summons and verified complaint |
| <input type="checkbox"/> order | <input type="checkbox"/> cross-claim | <input type="checkbox"/> summons and amended complaint |
| <input type="checkbox"/> petition | <input type="checkbox"/> counterclaim | <input type="checkbox"/> 3rd party summons and complaint |
| <input type="checkbox"/> motion | <input type="checkbox"/> request | <input type="checkbox"/> notice of materialman's lien |
| <input type="checkbox"/> suggestions | <input type="checkbox"/> notice to redeem | <input type="checkbox"/> notice of mechanic's lien |
| <input checked="" type="checkbox"/> interrogatories | <input type="checkbox"/> 1 request for production | <input type="checkbox"/> re-issue summons and complaint |
| <input type="checkbox"/> discovery | <input type="checkbox"/> request for admissions | <input type="checkbox"/> subpoena duces tecum |
| <input type="checkbox"/> suggestee execution | <input type="checkbox"/> notice of UIM claim | <input type="checkbox"/> Other |
| <input type="checkbox"/> subpoena | <input type="checkbox"/> writ | |
| <input type="checkbox"/> stipulation | <input type="checkbox"/> writ of mandamus | |

which was served on the Secretary at the State Capitol as your statutory attorney-in-fact. According to law, I have accepted service of process in the name and on behalf of your unauthorized foreign corporation.

Please note that this office has no connection whatsoever with the enclosed documents other than to accept service of process in your name and on behalf as your attorney-in-fact. Please address any questions about this document directly to the court or the plaintiff's attorney, shown in the enclosed paper, not to the Secretary of State's office.

Sincerely,

Natalie E. Tennant
Secretary of State

IN THE CIRCUIT COURT OF BOONE COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA
ex rel DARRELL V. MCGRAW, JR.
Attorney General,

Plaintiff,

v.

Civil Action No. 12-C-141

AMERISOURCEBERGEN DRUG CORPORATION,
a Delaware corporation doing business in
West Virginia, MIAMI-LUKEN, INC., an
Ohio corporation doing business in West Virginia,
J.M. SMITH CORPORATION d/b/a SMITH DRUG
COMPANY, a South Carolina corporation doing
business in West Virginia, THE HARVARD DRUG
GROUP, LLC, a Michigan corporation doing business
in West Virginia, ANDA INC., a Florida corporation doing
business in West Virginia, ASSOCIATED PHARMACIES,
INC., an Alabama corporation doing business in West
Virginia, AUBURN PHARMACEUTICAL COMPANY, a
Michigan corporation doing business in West Virginia,
H.D. SMITH WHOLESALE DRUG COMPANY, a
Delaware corporation doing business in West Virginia,
KEYSOURCE MEDICAL INC., an Ohio corporation
doing business in West Virginia, MASTERS
PHARMACEUTICALS, INC., an Ohio corporation doing
business in West Virginia, QUEST PHARMACEUTICALS,
INC., a Kentucky corporation doing business in West Virginia,
RICHIE PHARMACAL CO., INC., a Kentucky corporation
doing business in West Virginia, and TOP RX, INC., a Tennessee
corporation doing business in West Virginia,

Defendant.

ACCEPTED FOR
RECEIPT
2012 JUN 28 PM 2:56
SECRETARY OF STATE
STATE OF WEST VIRGINIA

To the above-named Defendant.

IN THE NAME OF THE STATE OF WEST VIRGINIA:

You are hereby summoned and required to serve upon Frances A. Hughes, Plaintiff's attorney, whose address is Office of the Attorney General, Building 1, Room 26-E, Capitol Complex, Charleston, West Virginia 25305, an answer, including any related counterclaim or defense you may have, to the Complaint filed against you in the above-styled civil action, a true

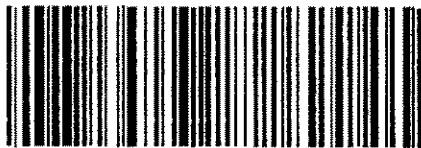
copy of which is herewith delivered to you. You are required to serve your answer within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, thereafter judgment, upon proper hearing and trial, may be taken against you for the relief demanded in the Complaint, and you will be thereafter barred from asserting in another action any claim, counter petition or defense you may have which must be asserted in the above-styled civil action.

Dated: June 26, 2012

Sue Ann Zickafoose

Clerk of Court

Office of the Secretary of State
 Building 1 Suite 157-K
 1900 Kanawha Blvd E
 Charleston, WV 25305



9171 9237 9000 1000 6958 29



Natalie E. Tennant

Secretary of State
 Telephone: 304-558-6000
 Toll Free: 866-SOS-VOTE
www.wvsos.com

ControlNumber:	339010
Defendant:	Masters Pharmaceuticals, Inc.
County:	3
Civil Action:	6/28/2012 12-C-141

Sue Ann Zickefoose, Circuit Clerk
 Boone County Courthouse
 200 State Street
 Madison WV 25130-1189

I am enclosing:

- | | | |
|---|--|---|
| <input type="checkbox"/> summons | <input type="checkbox"/> affidavit | <input checked="" type="checkbox"/> summons and complaint |
| <input type="checkbox"/> notice | <input type="checkbox"/> answer | <input type="checkbox"/> summons and verified complaint |
| <input type="checkbox"/> order | <input type="checkbox"/> cross-claim | <input type="checkbox"/> summons and amended complaint |
| <input type="checkbox"/> petition | <input type="checkbox"/> counterclaim | <input type="checkbox"/> 3rd party summons and complaint |
| <input type="checkbox"/> motion | <input type="checkbox"/> request | <input type="checkbox"/> notice of materialmans lien |
| <input type="checkbox"/> suggestions | <input type="checkbox"/> notice to redeem | <input type="checkbox"/> notice of mechanic's lien |
| <input checked="" type="checkbox"/> interrogatories | <input checked="" type="checkbox"/> request for production | <input type="checkbox"/> re-issue summons and complaint |
| <input type="checkbox"/> discovery | <input type="checkbox"/> request for admissions | <input type="checkbox"/> subpoena duces tecum |
| <input type="checkbox"/> suggestee execution | <input type="checkbox"/> notice of uim claim | <input type="checkbox"/> Other |
| <input type="checkbox"/> subpoena | <input type="checkbox"/> writ | |
| <input type="checkbox"/> stipulation | <input type="checkbox"/> writ of mandamus | |

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Sincerely,

Natalie E. Tennant
 Secretary of State

IN THE CIRCUIT COURT OF BOONE COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA
ex rel DARRELL V. MCGRAW, JR.
Attorney General,

Plaintiff,

v.

Civil Action No. 12-C-141

AMERISOURCEBERGEN DRUG CORPORATION,
a Delaware corporation doing business in
West Virginia, MIAMI-LUKEN, INC., an
Ohio corporation doing business in West Virginia,
J.M. SMITH CORPORATION d/b/a SMITH DRUG
COMPANY, a South Carolina corporation doing
business in West Virginia, **THE HARVARD DRUG**
GROUP, LLC, a Michigan corporation doing business
in West Virginia, ANDA INC., a Florida corporation doing
business in West Virginia, **ASSOCIATED PHARMACIES,**
INC., an Alabama corporation doing business in West
Virginia, **AUBURN PHARMACEUTICAL COMPANY**, a
Michigan corporation doing business in West Virginia,
H.D. SMITH WHOLESALE DRUG COMPANY, a
Delaware corporation doing business in West Virginia,
KEYSOURCE MEDICAL INC., an Ohio corporation
doing business in West Virginia, **MASTERS**
PHARMACEUTICALS, INC., an Ohio corporation doing
business in West Virginia, **QUEST PHARMACEUTICALS,**
INC., a Kentucky corporation doing business in West Virginia,
RICHIE PHARMACAL CO., INC., a Kentucky corporation
doing business in West Virginia, and **TOP RX, INC.**, a Tennessee
corporation doing business in West Virginia,

Defendant.

SECRETARY OF STATE
STATE OF WEST VIRGINIA

2012 JUN 28 PM 2:53

ACCEPTED FOR
SERVICE OF PAPER

To the above-named Defendant.

IN THE NAME OF THE STATE OF WEST VIRGINIA:

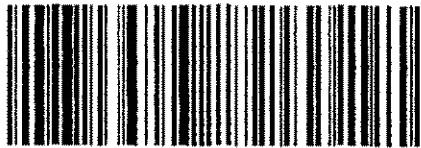
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copy of which is herewith delivered to you. You are required to serve your answer within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, thereafter judgment, upon proper hearing and trial, may be taken against you for the relief demanded in the Complaint, and you will be thereafter barred from asserting in another action any claim, counter petition or defense you may have which must be asserted in the above-styled civil action.

Dated: June 26, 2012

Sue Ann Zickeloose
Clerk of Court

Office of the Secretary of State
Building 1 Suite 157-K
1900 Kanawha Blvd E
Charleston, WV 25305



9171 9237 9000 1000 6958 12



Natalie E. Tennant
Secretary of State
Telephone: 304-558-6000
Toll Free: 866-SOS-VOTE
www.wvsos.com

ControlNumber: 339009
Defendant: Keysource Medical, Inc.

County: 3
Civil Action

RECEIVED
BOONE COUNTY CIRCUIT CLERK SUE ANN ZICKEFOOSE
6/28/2012 12-C-141
2012 JUL - 5 P 12: 36

Sue Ann Zickefoose, Circuit Clerk
Boone County Courthouse
200 State Street
Madison WV 25130-1189

I am enclosing:

- | | | |
|---|---|--|
| <input type="checkbox"/> summons | <input type="checkbox"/> affidavit | <input type="checkbox"/> 1 summons and complaint |
| <input type="checkbox"/> notice | <input type="checkbox"/> answer | <input type="checkbox"/> summons and verified complaint |
| <input type="checkbox"/> order | <input type="checkbox"/> cross-claim | <input type="checkbox"/> summons and amended complaint |
| <input type="checkbox"/> petition | <input type="checkbox"/> counterclaim | <input type="checkbox"/> 3rd party summons and complaint |
| <input type="checkbox"/> motion | <input type="checkbox"/> request | <input type="checkbox"/> notice of materialmans lien |
| <input type="checkbox"/> suggestions | <input type="checkbox"/> notice to redeem | <input type="checkbox"/> notice of mechanic's lien |
| <input checked="" type="checkbox"/> interrogatories | <input type="checkbox"/> 1 request for production | <input type="checkbox"/> re-issue summons and complaint |
| <input type="checkbox"/> discovery | <input type="checkbox"/> request for admissions | <input type="checkbox"/> subpoena duces tecum |
| <input type="checkbox"/> suggestee execution | <input type="checkbox"/> notice of uim claim | <input type="checkbox"/> Other |
| <input type="checkbox"/> subpoena | <input type="checkbox"/> writ | |
| <input type="checkbox"/> stipulation | <input type="checkbox"/> writ of mandamus | |

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Sincerely,

Natalie E. Tennant
Secretary of State

IN THE CIRCUIT COURT OF BOONE COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA
ex rel DARRELL V. MCGRAW, JR.
Attorney General,

Plaintiff,

v.

Civil Action No. 12-C-141

AMERISOURCEBERGEN DRUG CORPORATION,
a Delaware corporation doing business in
West Virginia, MIAMI-LUKEN, INC., an
Ohio corporation doing business in West Virginia,
**J.M. SMITH CORPORATION d/b/a SMITH DRUG
COMPANY**, a South Carolina corporation doing
business in West Virginia, **THE HARVARD DRUG
GROUP, LLC**, a Michigan corporation doing business
in West Virginia, ANDA INC., a Florida corporation doing
business in West Virginia, ASSOCIATED PHARMACIES,
INC., an Alabama corporation doing business in West
Virginia, AUBURN PHARMACEUTICAL COMPANY, a
Michigan corporation doing business in West Virginia,
H.D. SMITH WHOLESALE DRUG COMPANY, a
Delaware corporation doing business in West Virginia,
KEYSOURCE MEDICAL INC., an Ohio corporation
doing business in West Virginia, **MASTERS
PHARMACEUTICALS, INC.**, an Ohio corporation doing
business in West Virginia, QUEST PHARMACEUTICALS,
INC., a Kentucky corporation doing business in West Virginia,
RICHIE PHARMACAL CO., INC., a Kentucky corporation
doing business in West Virginia, and **TOP RX, INC.**, a Tennessee
corporation doing business in West Virginia,

Defendant.

ACCEPTED FOR
SERVICE OF PROCESS
2012 JUN 28 PM 2:52
SHERIFF OF BOONE COUNTY
STATE OF WEST VIRGINIA

To the above-named Defendant.

IN THE NAME OF THE STATE OF WEST VIRGINIA:

You are hereby summoned and required to serve upon Frances A. Hughes, Plaintiff's attorney, whose address is Office of the Attorney General, Building 1, Room 26-E, Capitol Complex, Charleston, West Virginia 25305, an answer, including any related counterclaim or defense you may have, to the Complaint filed against you in the above-styled civil action, a true

copy of which is herewith delivered to you. You are required to serve your answer within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, thereafter judgment, upon proper hearing and trial, may be taken against you for the relief demanded in the Complaint, and you will be thereafter barred from asserting in another action any claim, counter petition or defense you may have which must be asserted in the above-styled civil action.

Dated: June 26, 2012

Sue Ann Zickeloose
Clerk of Court

Office of the Secretary of State
Building 1 Suite 157-K
1900 Kanawha Blvd E
Charleston, WV 25305



9171 9237 9000 1000 6958 05



Natalie E. Tennant

Secretary of State

Telephone: 304-558-6000

Toll Free: 866-SOS-VOTE

www.wvsos.com

ControlNumber:	339008
Defendant:	H.D. Smith Wholesale Drug Company
County:	3
Civil Action:	6/28/2012
	12-C-141

Sue Ann Zickefoose, Circuit Clerk
Boone County Courthouse
200 State Street
Madison WV 25130-1189

I am enclosing:

- | | | |
|---|---|--|
| <input type="checkbox"/> summons | <input type="checkbox"/> affidavit | <input type="checkbox"/> 1 summons and complaint |
| <input type="checkbox"/> notice | <input type="checkbox"/> answer | <input type="checkbox"/> summons and verified complaint |
| <input type="checkbox"/> order | <input type="checkbox"/> cross-claim | <input type="checkbox"/> summons and amended complaint |
| <input type="checkbox"/> petition | <input type="checkbox"/> counterclaim | <input type="checkbox"/> 3rd party summons and complaint |
| <input type="checkbox"/> motion | <input type="checkbox"/> request | <input type="checkbox"/> notice of materialmans lien |
| <input type="checkbox"/> suggestions | <input type="checkbox"/> notice to redeem | <input type="checkbox"/> notice of mechanic's lien |
| <input checked="" type="checkbox"/> interrogatories | <input type="checkbox"/> 1 request for production | <input type="checkbox"/> re-issue summons and complaint |
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| <input type="checkbox"/> suggestee execution | <input type="checkbox"/> notice of uim claim | <input type="checkbox"/> Other |
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| <input type="checkbox"/> stipulation | <input type="checkbox"/> writ of mandamus | |

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Sincerely,

Natalie E. Tennant
Secretary of State

IN THE CIRCUIT COURT OF BOONE COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA
ex rel DARRELL V. MCGRAW, JR.
Attorney General,

Plaintiff,

v.

Civil Action No. 12-C-141

AMERISOURCEBERGEN DRUG CORPORATION,
a Delaware corporation doing business in
West Virginia, MIAMI-LUKEN, INC., an
Ohio corporation doing business in West Virginia,
J.M. SMITH CORPORATION d/b/a SMITH DRUG
COMPANY, a South Carolina corporation doing
business in West Virginia, **THE HARVARD DRUG**
GROUP, LLC, a Michigan corporation doing business
in West Virginia, ANDA INC., a Florida corporation doing
business in West Virginia, ASSOCIATED PHARMACIES,
INC., an Alabama corporation doing business in West
Virginia, AUBURN PHARMACEUTICAL COMPANY, a
Michigan corporation doing business in West Virginia,
H.D. SMITH WHOLESALE DRUG COMPANY, a
Delaware corporation doing business in West Virginia,
KEYSOURCE MEDICAL INC., an Ohio corporation
doing business in West Virginia, **MASTERS**
PHARMACEUTICALS, INC., an Ohio corporation doing
business in West Virginia, **QUEST PHARMACEUTICALS,**
INC., a Kentucky corporation doing business in West Virginia,
RICHIE PHARMACAL CO., INC., a Kentucky corporation
doing business in West Virginia, and **TOP RX, INC.**, a Tennessee
corporation doing business in West Virginia,

Defendant.

ACCEPTED FOR
SERVICE BY
SECRETARY OF STATE
STATE OF WEST VIRGINIA
12 JUN 28 PM 2:51

To the above-named Defendant.

IN THE NAME OF THE STATE OF WEST VIRGINIA:

You are hereby summoned and required to serve upon Frances A. Hughes, Plaintiff's attorney, whose address is Office of the Attorney General, Building 1, Room 26-E, Capitol Complex, Charleston, West Virginia 25305, an answer, including any related counterclaim or defense you may have, to the Complaint filed against you in the above-styled civil action, a true

copy of which is herewith delivered to you. You are required to serve your answer within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, thereafter judgment, upon proper hearing and trial, may be taken against you for the relief demanded in the Complaint, and you will be thereafter barred from asserting in another action any claim, counter petition or defense you may have which must be asserted in the above-styled civil action.

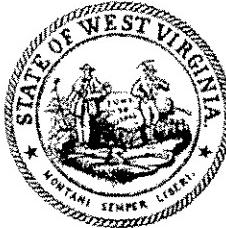
Dated: June 26, 2012

Sue Ann Zickfoose
Clerk of Court

Office of the Secretary of State
Building 1 Suite 157-K
1900 Kanawha Blvd E
Charleston, WV 25305



9171 9237 9000 1000 6957 99



Natalie E. Tennant

Secretary of State
Telephone: 304-558-6000
Toll Free: 866-SOS-VOTE
www.wvsos.com

ControlNumber: 339007
Defendant: Auburn Pharmaceuticals,
Company

County: 3
6/28/2012

Civil Action: 12-C-141

Sue Ann Zickefoose, Circuit Clerk
Boone County Courthouse
200 State Street
Madison WV 25130-1189

RECEIVED
2012 JUL - 5 P 12:36 PM
BOONE COUNTY CIRCUIT CLERK
SUE ANN ZICKEFOOSE

I am enclosing:

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| <input type="checkbox"/> summons | <input type="checkbox"/> affidavit | <input type="checkbox"/> 1 summons and complaint |
| <input type="checkbox"/> notice | <input type="checkbox"/> answer | <input type="checkbox"/> summons and verified complaint |
| <input type="checkbox"/> order | <input type="checkbox"/> cross-claim | <input type="checkbox"/> summons and amended complaint |
| <input type="checkbox"/> petition | <input type="checkbox"/> counterclaim | <input type="checkbox"/> 3rd party summons and complaint |
| <input type="checkbox"/> motion | <input type="checkbox"/> request | <input type="checkbox"/> notice of materialman's lien |
| <input type="checkbox"/> suggestions | <input type="checkbox"/> notice to redeem | <input type="checkbox"/> notice of mechanic's lien |
| <input checked="" type="checkbox"/> interrogatories | <input type="checkbox"/> 1 request for production | <input type="checkbox"/> re-issue summons and complaint |
| <input type="checkbox"/> discovery | <input type="checkbox"/> request for admissions | <input type="checkbox"/> subpoena duces tecum |
| <input type="checkbox"/> suggestee execution | <input type="checkbox"/> notice of uim claim | <input type="checkbox"/> Other |
| <input type="checkbox"/> subpoena | <input type="checkbox"/> writ | |
| <input type="checkbox"/> stipulation | <input type="checkbox"/> writ of mandamus | |

which was served on the Secretary at the State Capitol as your statutory attorney-in-fact. According to law, I have accepted service of process in the name and on behalf of your unauthorized foreign corporation.

Please note that this office has no connection whatsoever with the enclosed documents other than to accept service of process in your name and on behalf as your attorney-in-fact. Please address any questions about this document directly to the court or the plaintiff's attorney, shown in the enclosed paper, not to the Secretary of State's office.

Sincerely,

Natalie E. Tennant
Secretary of State

IN THE CIRCUIT COURT OF BOONE COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA
ex rel DARRELL V. MCGRAW, JR.
Attorney General,
Plaintiff,

v.

Civil Action No. 12-C-141

AMERISOURCEBERGEN DRUG CORPORATION,
a Delaware corporation doing business in
West Virginia, MIAMI-LUKEEN, INC., an
Ohio corporation doing business in West Virginia,
**J.M. SMITH CORPORATION d/b/a SMITH DRUG
COMPANY**, a South Carolina corporation doing
business in West Virginia, **THE HARVARD DRUG
GROUP, LLC**, a Michigan corporation doing business
in West Virginia, ANDA INC., a Florida corporation doing
business in West Virginia, ASSOCIATED PHARMACIES,
INC., an Alabama corporation doing business in West
Virginia, AUBURN PHARMACEUTICAL COMPANY, a
Michigan corporation doing business in West Virginia,
H.D. SMITH WHOLESALE DRUG COMPANY, a
Delaware corporation doing business in West Virginia,
KEYSOURCE MEDICAL INC., an Ohio corporation
doing business in West Virginia, **MASTERS
PHARMACEUTICALS, INC.**, an Ohio corporation doing
business in West Virginia, **QUEST PHARMACEUTICALS,
INC.**, a Kentucky corporation doing business in West Virginia,
RICHIE PHARMACAL CO., INC., a Kentucky corporation
doing business in West Virginia, and **TOP RX, INC.**, a Tennessee
corporation doing business in West Virginia,

Defendant.

ACCEPTED FOR
SERVICE OF PAPER
2012 JUN 28 PM 2:50
SECRETARY OF STATE
STATE OF WEST VIRGINIA

To the above-named Defendant.

IN THE NAME OF THE STATE OF WEST VIRGINIA:

You are hereby summoned and required to serve upon Frances A. Hughes, Plaintiff's attorney, whose address is Office of the Attorney General, Building 1, Room 26-E, Capitol Complex, Charleston, West Virginia 25305, an answer, including any related counterclaim or defense you may have, to the Complaint filed against you in the above-styled civil action, a true

copy of which is herewith delivered to you. You are required to serve your answer within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, thereafter judgment, upon proper hearing and trial, may be taken against you for the relief demanded in the Complaint, and you will be thereafter barred from asserting in another action any claim, counter petition or defense you may have which must be asserted in the above-styled civil action.

Dated: June 26, 2012

Sue Ann Zickeyfoose
Clerk of Court

Office of the Secretary of State
Building 1 Suite 157-K
1900 Kanawha Blvd E
Charleston, WV 25305



9171 9237 9000 1000 6957 82



Natalie E. Tennant

Secretary of State
Telephone: 304-558-6000
Toll Free: 866-SOS-VOTE
www.wvsos.com

ControlNumber:	339006
Defendant:	Associated Pharmacies, Inc.
County:	3
Civil Action:	6/28/2012 12-C-141

Sue Ann Zickefoose, Circuit Clerk
Boone County Courthouse
200 State Street
Madison WV 25130-1189

I am enclosing:

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| <input type="checkbox"/> summons | <input type="checkbox"/> affidavit | <input type="checkbox"/> 1 summons and complaint |
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| <input type="checkbox"/> suggestee execution | <input type="checkbox"/> notice of uim claim | <input type="checkbox"/> Other |
| <input type="checkbox"/> subpoena | <input type="checkbox"/> writ | |
| <input type="checkbox"/> stipulation | <input type="checkbox"/> writ of mandamus | |

which was served on the Secretary at the State Capitol as your statutory attorney-in-fact. According to law, I have accepted service of process in the name and on behalf of your unauthorized foreign corporation.

Please note that this office has no connection whatsoever with the enclosed documents other than to accept service of process in your name and on behalf as your attorney-in-fact. Please address any questions about this document directly to the court or the plaintiff's attorney, shown in the enclosed paper, not to the Secretary of State's office.

Sincerely,

Natalie E. Tennant
Secretary of State

IN THE CIRCUIT COURT OF BOONE COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA
ex rel DARRELL V. MCGRAW, JR.
Attorney General,

Plaintiff,

v.

Civil Action No. 12-C-141

AMERISOURCEBERGEN DRUG CORPORATION,
a Delaware corporation doing business in
West Virginia, MIAMI-LUKEN, INC., an
Ohio corporation doing business in West Virginia,
**J.M. SMITH CORPORATION d/b/a SMITH DRUG
COMPANY**, a South Carolina corporation doing
business in West Virginia, **THE HARVARD DRUG
GROUP, LLC**, a Michigan corporation doing business
in West Virginia, ANDA INC., a Florida corporation doing
business in West Virginia, **ASSOCIATED PHARMACIES,
INC.**, an Alabama corporation doing business in West
Virginia, **AUBURN PHARMACEUTICAL COMPANY**, a
Michigan corporation doing business in West Virginia,
H.D. SMITH WHOLESALE DRUG COMPANY, a
Delaware corporation doing business in West Virginia,
KEYSOURCE MEDICAL INC., an Ohio corporation
doing business in West Virginia, **MASTERS
PHARMACEUTICALS, INC.**, an Ohio corporation doing
business in West Virginia, **QUEST PHARMACEUTICALS,
INC.**, a Kentucky corporation doing business in West Virginia,
RICHIE PHARMACAL CO., INC., a Kentucky corporation
doing business in West Virginia, and **TOP RX, INC.**, a Tennessee
corporation doing business in West Virginia,

Defendant.

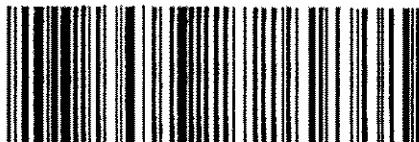
ACCEPTED FOR
ATTORNEY GENERAL
2012 JUN 28 PM 2:49
S. SECRETARY OF STATE
STATE OF WEST VIRGINIA

To the above-named Defendant.

IN THE NAME OF THE STATE OF WEST VIRGINIA:

You are hereby summoned and required to serve upon Frances A. Hughes, Plaintiff's attorney, whose address is Office of the Attorney General, Building 1, Room 26-E, Capitol Complex, Charleston, West Virginia 25305, an answer, including any related counterclaim or defense you may have, to the Complaint filed against you in the above-styled civil action, a true

Office of the Secretary of State
Building 1 Suite 157-K
1900 Kanawha Blvd E
Charleston, WV 25305



9171 9237 9000 1000 6957 75



Natalie E. Tennant

Secretary of State
Telephone: 304-558-6000
Toll Free: 866-SOS-VOTE
www.wvsos.com

ControlNumber:	339005
Defendant:	Anda, Inc.

Sue Ann Zickefoose, Circuit Clerk
Boone County Courthouse
200 State Street
Madison WV 25130-1189

County:	3
Civil Action:	6/28/2012 12-C-141

I am enclosing:

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| <input type="checkbox"/> summons | <input type="checkbox"/> affidavit | <input checked="" type="checkbox"/> summons and complaint |
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| <input type="checkbox"/> discovery | <input type="checkbox"/> request for admissions | <input type="checkbox"/> subpoena duces tecum |
| <input type="checkbox"/> suggestee execution | <input type="checkbox"/> notice of UIM claim | <input type="checkbox"/> Other |
| <input type="checkbox"/> subpoena | <input type="checkbox"/> writ | |
| <input type="checkbox"/> stipulation | <input type="checkbox"/> writ of mandamus | |

which was served on the Secretary at the State Capitol as your statutory attorney-in-fact. According to law, I have accepted service of process in the name and on behalf of your unauthorized foreign corporation.

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Sincerely,

Natalie E. Tennant
Secretary of State

RECEIVED
JUL 5 2012
SUE ANN ZICKEFOOSE
BOONE COUNTY CIRCUIT CLERK

IN THE CIRCUIT COURT OF BOONE COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA
ex rel DARRELL V. MCGRAW, JR.
Attorney General,

Plaintiff,

Civil Action No.

12-C-141

v.

AMERISOURCEBERGEN DRUG CORPORATION,
a Delaware corporation doing business in
West Virginia, MIAMI-LUKEN, INC., an
Ohio corporation doing business in West Virginia,
**J.M. SMITH CORPORATION d/b/a SMITH DRUG
COMPANY**, a South Carolina corporation doing
business in West Virginia, **THE HARVARD DRUG
GROUP, LLC**, a Michigan corporation doing business
in West Virginia, ANDA INC., a Florida corporation doing
business in West Virginia, ASSOCIATED PHARMACIES,
INC., an Alabama corporation doing business in West
Virginia, AUBURN PHARMACEUTICAL COMPANY, a
Michigan corporation doing business in West Virginia,
H.D. SMITH WHOLESALe DRUG COMPANY, a
Delaware corporation doing business in West Virginia,
KEYSOURCE MEDICAL INC., an Ohio corporation
doing business in West Virginia, **MASTERS
PHARMACEUTICALS, INC.**, an Ohio corporation doing
business in West Virginia, **QUEST PHARMACEUTICALS,
INC.**, a Kentucky corporation doing business in West Virginia,
RICHIE PHARMACAL CO., INC., a Kentucky corporation
doing business in West Virginia, and **TOP RX, INC.**, a Tennessee
corporation doing business in West Virginia,

Defendant.

ACCEPTED FOR
SERVICE OF PAPERS
SECRETARY OF STATE
STATE OF WEST VIRGINIA
2012 JUN 28 PM 2:17

To the above-named Defendant.

IN THE NAME OF THE STATE OF WEST VIRGINIA:

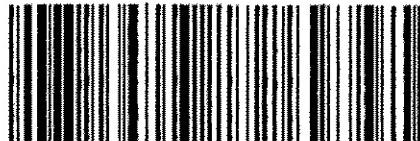
You are hereby summoned and required to serve upon Frances A. Hughes, Plaintiff's attorney, whose address is Office of the Attorney General, Building 1, Room 26-E, Capitol Complex, Charleston, West Virginia 25305, an answer, including any related counterclaim or defense you may have, to the Complaint filed against you in the above-styled civil action, a true

copy of which is herewith delivered to you. You are required to serve your answer within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, thereafter judgment, upon proper hearing and trial, may be taken against you for the relief demanded in the Complaint, and you will be thereafter barred from asserting in another action any claim, counter petition or defense you may have which must be asserted in the above-styled civil action.

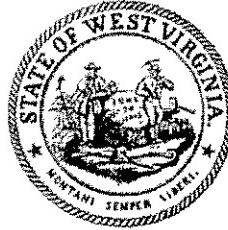
Dated: June 26, 2012

Sue Ann Zickfoose
Clerk of Court

Office of the Secretary of State
 Building 1 Suite 157-K
 1900 Kanawha Blvd E
 Charleston, WV 25305



9171 9237 9000 1000 6957 68



Natalie E. Tennant

Secretary of State
 Telephone: 304-558-6000
 Toll Free: 866-SOS-VOTE
www.wvsos.com

ControlNumber:	339004
Defendant:	The Harvard Drug Group, LLC
County:	3
Civil Action:	6/28/2012 12-C-141

Sue Ann Zickefoose, Circuit Clerk
 Boone County Courthouse
 200 State Street
 Madison WV 25130-1189

I am enclosing:

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| <input type="checkbox"/> summons | <input type="checkbox"/> affidavit | <input checked="" type="checkbox"/> 1 summons and complaint |
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| <input checked="" type="checkbox"/> 1 interrogatories | <input checked="" type="checkbox"/> 1 request for production | <input type="checkbox"/> re-issue summons and complaint |
| <input type="checkbox"/> discovery | <input type="checkbox"/> request for admissions | <input type="checkbox"/> subpoena duces tecum |
| <input type="checkbox"/> suggestee execution | <input type="checkbox"/> notice of uim claim | <input type="checkbox"/> Other |
| <input type="checkbox"/> subpoena | <input type="checkbox"/> writ | |
| <input type="checkbox"/> stipulation | <input type="checkbox"/> writ of mandamus | |

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Sincerely,

Natalie E. Tennant
 Secretary of State

IN THE CIRCUIT COURT OF BOONE COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA
ex rel DARRELL V. MCGRAW, JR.
Attorney General,

Plaintiff,

v.

Civil Action No. 12-C-141

AMERISOURCEBERGEN DRUG CORPORATION,
a Delaware corporation doing business in
West Virginia, MIAMI-LUKEN, INC., an
Ohio corporation doing business in West Virginia,
**J.M. SMITH CORPORATION d/b/a SMITH DRUG
COMPANY**, a South Carolina corporation doing
business in West Virginia, **THE HARVARD DRUG
GROUP, LLC**, a Michigan corporation doing business
in West Virginia, ANDA INC., a Florida corporation doing
business in West Virginia, ASSOCIATED PHARMACIES,
INC., an Alabama corporation doing business in West
Virginia, AUBURN PHARMACEUTICAL COMPANY, a
Michigan corporation doing business in West Virginia,
H.D. SMITH WHOLESALE DRUG COMPANY, a
Delaware corporation doing business in West Virginia,
KEYSOURCE MEDICAL INC., an Ohio corporation
doing business in West Virginia, **MASTERS
PHARMACEUTICALS, INC.**, an Ohio corporation doing
business in West Virginia, **QUEST PHARMACEUTICALS,
INC.**, a Kentucky corporation doing business in West Virginia,
RICHIE PHARMACAL CO., INC., a Kentucky corporation
doing business in West Virginia, and **TOP RX, INC.**, a Tennessee
corporation doing business in West Virginia,

Defendant.

ACCEPTED FOR
STATE OF WEST VIRGINIA
SECRETARY OF STATE
STATE OF WEST VIRGINIA
2012 JUN 28 PM 2:47

To the above-named Defendant.

IN THE NAME OF THE STATE OF WEST VIRGINIA:

You are hereby summoned and required to serve upon Frances A. Hughes, Plaintiff's attorney, whose address is Office of the Attorney General, Building 1, Room 26-E, Capitol Complex, Charleston, West Virginia 25305, an answer, including any related counterclaim or defense you may have, to the Complaint filed against you in the above-styled civil action, a true

copy of which is herewith delivered to you. You are required to serve your answer within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, thereafter judgment, upon proper hearing and trial, may be taken against you for the relief demanded in the Complaint, and you will be thereafter barred from asserting in another action any claim, counter petition or defense you may have which must be asserted in the above-styled civil action.

Dated: June 26, 2012

Sue Ann Zickafoose

Clerk of Court

LAW OFFICES
BETTS HARDY & RODGERS, PLLC
P. O. BOX 3394
CHARLESTON, WEST VIRGINIA 25333-3394

500 LEE STREET, EAST, SUITE 800
CHARLESTON, WEST VIRGINIA 25301

TELEPHONE: (304) 345-7250
FACSIMILE: (304) 345-9941
WEBSITE: www.bhrrw.com

WRITER'S DIRECT DIAL:
(304) 720-4238
e-mail: pcdeem@bhrrw.com

July 3, 2012

RECEIVED
2012 JUL -5 PM 12:35
BOONE COUNTY
CIRCUIT CLERK
SUE ANN ZICKFOOSE

The Honorable Sue Ann Zickefoose
Clerk, Circuit Court of Boone County
Boone County Courthouse
200 State Street
Madison, WV 25130-1189

Re: *State of West Virginia ex rel. Darrell McGraw v. Amerisourcebergen Drug Corporation, et al.*
Civil Action No. 12-C-141 (Circuit Court of Boone County, W. Va.)

Dear Ms. Zickefoose:

Enclosed for filing please find the original "Notice of Appearance" in connection with the above-referenced matter.

If there are questions, please do not hesitate to contact me.

Very truly yours,



PAMELA C. DEEM

PCD:ddc

Enclosure

cc: Via First Class U.S. Mail:
Frances A. Hughes, Esq. (w/encl.)
James M. Cagle, Esq. (w/encl.)
Rudolph L. DiTrapano, Esq. (w/encl.)

IN THE CIRCUIT COURT OF BOONE COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA
ex rel DARRELL V. MCGRAW, JR.
Attorney General,

Plaintiff,

v.

Civil Action No. 12-C-141

Judge Thompson

AMERISOURCEBERGEN DRUG CORPORATION,
a Delaware corporation doing business in
West Virginia; MIAMI-LUKEN, INC., an
Ohio corporation doing business in West Virginia,
J.M. SMITH CORPORATION d/b/a SMITH DRUG
COMPANY, a South Carolina corporation doing
business in West Virginia, THE HARVARD DRUG
GROUP, LLC, a Michigan corporation doing business
in West Virginia, ANDA INC., a Florida corporation doing
business in West Virginia, ASSOCIATED PHARMACIES,
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Michigan corporation doing business in West Virginia,
H.D. SMITH WHOLESALE DRUG COMPANY, a
Delaware corporation doing business in West Virginia,
KEYSOURCE MEDICAL INC., an Ohio corporation
doing business in West Virginia, MASTERS
PHARMACEUTICALS, INC., an Ohio corporation doing
business in West Virginia, QUEST PHARMACEUTICALS,
INC., a Kentucky corporation doing business in West Virginia,
RICHIE PHARMACAL CO., INC., a Kentucky corporation
doing business in West Virginia, and TOP RX, INC., a Tennessee
corporation doing business in West Virginia,

Defendants.

RECEIVED
BOONE COUNTY
CIRCUIT CLERK
SUE ANN ZICKERFOSSE
2012 JUL - 5 PM 12:35

NOTICE OF APPEARANCE

Please take notice of the appearance of Rebecca A. Betts and Pamela C. Deem and the law
firm of Betts Hardy & Rodgers, PLLC, as counsel for H.D. Smith Wholesale Drug Company, and

that from this day forward all pleadings, notices and papers required to be served upon the aforesaid defendant in connection with this matter should be directed to such counsel as follows:

Rebecca A. Betts, Esq.
Pamela C. Deem, Esq.
BETTS HARDY & RODGERS, PLLC
P.O. Box 3394
500 Lee Street, East, Suite 800
Charleston, West Virginia 25301
(304) 345-7250
rabetts@bhrwv.com
pcdeem@bhrwv.com

H.D. SMITH WHOLESALE DRUG
COMPANY,

Defendant,

BY COUNSEL:


REBECCA A. BETTS (WVSB #0329)
PAMELA C. DEEM (WVSB #0976)
BETTS HARDY & RODGERS, PLLC
P.O. Box 3394
500 Lee Street, East, Suite 800
Charleston, West Virginia 25301
(304) 345-7250
rabetts@bhrwv.com
pcdeem@bhrwv.com

BOONE COUNTY
CIRCUIT CLERK
SUE ANN ZICKEFOOSE
2012 JUL -5 PM 12:35

RECEIVED

CERTIFICATE OF SERVICE

I, Pamela C. Deem, counsel for H.D. Smith Wholesale Drug Company, do hereby certify that I have served the foregoing "Notice of Appearance" upon counsel of record by depositing a true and exact copy in the regular course of First Class U.S. Mail, this the 3rd day of July, 2012, as follows:

Frances A. Hughes, Esq.
Managing Deputy Attorney General
Office of Attorney General
Building 1, Room 26-E, Capitol Complex
Charleston, WV 25305

James M. Cagle, Esq.
Cagle & Jackson, Attorneys
P.O. Box 12326
Big Chimney Station
Charleston, WV 25301

Rudolph L. DiTrapano, Esq.
DiTrapano, Barrett & DiPiero
604 Virginia Street, East
Charleston, WV 25301

RECEIVED
101 JUL -5 P 12:35
BOONE COUNTY
CIRCUIT CLERK
SUE ANN ZICKFOOSE


PAMELA C. DEEM (WVSB #0976)

mm
TELEPHONE: (304) 345-7250
FACSIMILE: (304) 345-9941
WEBSITE: www.bhvw.com

OFFICES
BETTS HARDY & RODGERS, PLLC
P. O. BOX 3394
CHARLESTON, WEST VIRGINIA 25333-3394
BUONE COUNTY
CIRCUIT CLERK
SUE ANN ZICKEFOOSE

500 LEE STREET, EAST, SUITE 800
CHARLESTON, WEST VIRGINIA 25301

2012 JUL 16 P 12:39

WRITER'S DIRECT DIAL
(304) 720-4238
e-mail: pcdeem@bhvw.com

RECEIVED

July 12, 2012

The Honorable Sue Ann Zickefoose
Clerk, Circuit Court of Boone County
Boone County Courthouse
200 State Street
Madison, WV 25130-1189

Re: *State of West Virginia ex rel. Darrell McGraw v. Amerisourcebergen Drug Corporation, et al.*
Civil Action No. 12-C-141 (Circuit Court of Boone County, W. Va.)

Dear Ms. Zickefoose:

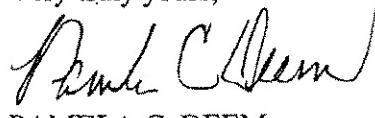
Enclosed for filing in connection with the above-referenced civil action please find the following:

1. "Motion for *Pro Hac Vice* Admission of Larry A. Mackey";
2. "Motion for *Pro Hac Vice* Admission of Jason R. Barclay"; and
3. "Motion for *Pro Hac Vice* Admission of Dean T. Barnhard."

Copies of these Motions have this day been served upon counsel of record.

Thank you for your assistance with this matter. Should you have any questions, please do not hesitate to contact me.

Very truly yours,



PAMELA C. DEEM

PCD:ddc
Enclosures

cc: Via First Class U.S. Mail:
The Honorable William S. Thompson (w/encls.)
Frances A. Hughes, Esq. (w/encls.)
James M. Cagle, Esq. (w/encls.)
Rudolph L. DiTrapano, Esq. (w/encls.)

IN THE CIRCUIT COURT OF BOONE COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA
ex rel DARRELL V. MCGRAW, JR.
Attorney General,

Plaintiff,

v.

Civil Action No. 12-C-141

Judge Thompson

AMERISOURCEBERGEN DRUG CORPORATION,
a Delaware corporation doing business in
West Virginia, MIAMI-LUKEN, INC., an
Ohio corporation doing business in West Virginia,
J.M. SMITH CORPORATION d/b/a SMITH DRUG
COMPANY, a South Carolina corporation doing
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RICHIE PHARMACAL CO., INC., a Kentucky corporation
doing business in West Virginia, and TOP RX, INC., a Tennessee
corporation doing business in West Virginia,

Defendants.

BOONE COUNTY
CIRCUIT CLERK
SUE ANN ZICKEFOOSE

2012 JUL 16 P 12:39

RECEIVED

**MOTION FOR PRO HAC VICE
ADMISSION OF LARRY A. MACKEY**

COMES NOW Rebecca A. Betts and Pamela C. Deem and the law firm of Betts
Hardy & Rodgers, PLLC, members in good standing with The West Virginia State Bar,

and pursuant to Rule 8.0 of the West Virginia Rules for Admission to the Practice of Law, move the Court to accord Larry A. Mackey ("Applicant") the privilege of appearing in the above entitled action, as counsel for H.D. Smith Wholesale Drug Company. Attached hereto as Exhibit A, in aid of the Court's consideration of this motion, is a copy of the "Verified Statement of Application of Larry A. Mackey for *Pro Hac Vice* Admission." This Verified Statement of Application, along with the required fee of \$350.00, has been forwarded to The West Virginia State Bar.

WHEREFORE, it is respectfully requested that the Court grant this Motion and admit Larry A. Mackey to appear before it *pro hac vice*.

H.D. SMITH WHOLESALE DRUG COMPANY,

Defendant,

BY COUNSEL:



REBECCA A. BETTS (WVSB #0329)
PAMELA C. DEEM (WVSB #0976)
BETTS HARDY & RODGERS, PLLC
P.O. Box 3394
500 Lee Street, East, Suite 800
Charleston, West Virginia 25301
(304) 345-7250

IN THE CIRCUIT COURT OF BOONE COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA
ex rel DARRELL V. MCGRAW, JR.
Attorney General,

Plaintiff,

v.

Civil Action No. 12-C-141
Judge Thompson

AMERISOURCEBERGEN DRUG CORPORATION,
a Delaware corporation doing business in
West Virginia, MIAMI-LUKEN, INC., an
Ohio corporation doing business in West Virginia,
J.M. SMITH CORPORATION d/b/a SMITH DRUG
COMPANY, a South Carolina corporation doing
business in West Virginia, THE HARVARD DRUG
GROUP, LLC, a Michigan corporation doing business
in West Virginia, ANDA INC., a Florida corporation doing
business in West Virginia, ASSOCIATED PHARMACIES,
INC., an Alabama corporation doing business in West
Virginia, AUBURN PHARMACEUTICAL COMPANY, a
Michigan corporation doing business in West Virginia,
H.D. SMITH WHOLESALE DRUG COMPANY, a
Delaware corporation doing business in West Virginia,
KEYSOURCE MEDICAL INC., an Ohio corporation
doing business in West Virginia, MASTERS
PHARMACEUTICALS, INC., an Ohio corporation doing
business in West Virginia, QUEST PHARMACEUTICALS,
INC., a Kentucky corporation doing business in West Virginia,
RICHIE PHARMACAL CO., INC., a Kentucky corporation
doing business in West Virginia, and TOP RX, INC., a Tennessee
corporation doing business in West Virginia,

RECEIVED

BOONE COUNTY
CIRCUIT CLERK
SUE ANN ZICKEFOOSE
2012 JUL 16 P 12:39

Defendants.

**VERIFIED STATEMENT OF APPLICATION OF
LARRY A. MACKEY FOR *PRO HAC VICE* ADMISSION**

Pursuant to Rule 8.0(b) of the Rules for Admission to the Practice of Law in the State of
West Virginia, I, Larry A. Mackey, being duly sworn, hereby depose and say as follows:

Exhibit A

1. Your Applicant is a member in good standing of the Indiana State Bar. Your Applicant has never been the subject of any disciplinary hearing and has not been disciplined at any time by any court or bar;

2. The name, address and telephone number of the disciplinary agency of the Indiana State Bar is the Indiana Supreme Court Disciplinary Commission, 30 South Meridian Street, Suite 850, Indianapolis, Indiana 46204, (317) 232-1807

3. Your Applicant is a Partner at the law firm of Barnes & Thornburg, LLP, which has been retained by Defendant H.D. Smith Wholesale Drug Company, to appear in this Court, and is not a resident of West Virginia and does not maintain an office for the practice of law in the State of West Virginia;

4. Your Applicant wishes to appear and participate in this particular case in association with the law firm of Betts Hardy & Rodgers, PLLC, Rebecca A. Betts and Pamela C. Deem, who are members of the bar of this Honorable Court;

5. Your Applicant expressly designates Rebecca A. Betts, Pamela C. Deem and Betts Hardy & Rodgers, PLLC, who have an office for the practice of law within the State of West Virginia at the following address: 500 Lee Street, East, Suite 800, P.O. Box 3394, Charleston, West Virginia 25333-3394, with telephone number (304) 345-7250, to serve as responsible local attorneys in this civil action;

6. Your Applicant has had litigation experience in state and federal courts since admission to the Indiana State Bar.

7. Your Applicant has knowledge of the Local Rules of this Honorable Court and will comply with all laws, rules and regulations of West Virginia state and local governments, where

applicable, including taxing authorities and any standards for *pro bono* civil and criminal defense legal services;

8. Members of Applicant's law firm, Barnes & Thornburg, LLP, have been involved in matters before West Virginia tribunals or bodies during the past twenty-four months. A compilation of those matters is attached hereto and made a part hereof as "Verified Statement Exhibit 1"; and

9. Pursuant to Rule 8.0(b), the original of this "Verified Statement of Application of Larry A. Mackey for *Pro Hac Vice* Admission," along with the requisite \$350.00 admission fee, is being provided to The West Virginia State Bar.

And further this Applicant saith naught.



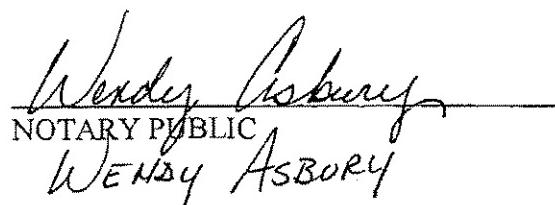
LARRY A. MACKEY

STATE OF INDIANA,

COUNTY OF MARION, to wit:

The foregoing "Verified Statement of Application of Larry A. Mackey for *Pro Hac Vice* Admission" was acknowledged and sworn to before me this 10th day of July, 2012.

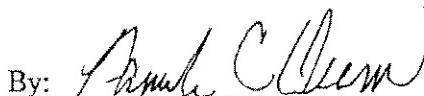
My Commission expires: 4/7/14.



WENDY ASBURY
NOTARY PUBLIC

I have read the foregoing application and, by my endorsement hereon, agree to be a responsible local attorney in the above-styled civil action. I will be involved in the above-styled civil action along with Rebecca A. Betts as local counsel for H. D. Smith Wholesale Drug Company. I further certify that I am an active member in good standing of the West Virginia State Bar and that I maintain an actual office in West Virginia from which I practice law on a daily basis.

BETTS HARDY & RODGERS, PLLC

By: 
PAMELA C. DEEM (W. Va. Bar No. 976)

VERIFIED STATEMENT EXHIBIT 1

Cause No.	Case Name	Attorney Name	Date Admitted
3:08-cv-00073	<i>David Gregory v. Forest River, Inc.</i> , Northern District of West Virginia	Jeanine Gozdecki	5/15/08
3:10-cv-00862	<i>H.D. Smith Wholesale Drug Co. v. Medical Associates Pharmacy, Inc.</i> , Southern District of West Virginia	Stephen Fink	9/15/10
03-C-109	<i>State of West Virginia v. Minnesota Mining and Manufacturing Co, et al.</i> , Lincoln County, West Virginia	Annamarie Daley	1/31/11

BOONE COUNTY
 CIRCUIT CLERK
 SUE ANN ZICKEFOOSE
 2012 JUL 16 PM 12:40
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IN THE CIRCUIT COURT OF BOONE COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA
ex rel DARRELL V. MCGRAW, JR.
Attorney General,

Plaintiff,

v.

Civil Action No. 12-C-141
Judge Thompson

AMERISOURCEBERGEN DRUG CORPORATION,
a Delaware corporation doing business in
West Virginia, MIAMI-LUKEN, INC., an
Ohio corporation doing business in West Virginia,
J.M. SMITH CORPORATION d/b/a SMITH DRUG
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in West Virginia, ANDA INC., a Florida corporation doing
business in West Virginia, ASSOCIATED PHARMACIES,
INC., an Alabama corporation doing business in West
Virginia, AUBURN PHARMACEUTICAL COMPANY, a
Michigan corporation doing business in West Virginia,
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PHARMACEUTICALS, INC., an Ohio corporation doing
business in West Virginia, QUEST PHARMACEUTICALS,
INC., a Kentucky corporation doing business in West Virginia,
RICHIE PHARMACAL CO., INC., a Kentucky corporation
doing business in West Virginia, and TOP RX, INC., a Tennessee
corporation doing business in West Virginia,

Defendants.

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BOONE COUNTY
CIRCUIT CLERK
SUE ANN ZICKEFOOSE
2012 JUL 16 PM 12:40

CERTIFICATE OF SERVICE

I, Pamela C. Deem, counsel for H.D. Smith Wholesale Drug Company, do hereby
certify that I have served the foregoing "**Motion For Pro Hac Vice Admission Of Larry**

A. Mackey" upon counsel of record by depositing a true and exact copy in the regular course of First Class U.S. Mail, this the 12th day of July, 2012, as follows:

Frances A. Hughes, Esq.
Managing Deputy Attorney General
Office of Attorney General
Building 1, Room 26-E, Capitol Complex
Charleston, WV 25305

James M. Cagle, Esq.
Cagle & Jackson, Attorneys
P.O. Box 12326
Big Chimney Station
Charleston, WV 25301

Rudolph L. DiTrapano, Esq.
DiTrapano, Barrett & DiPiero
604 Virginia Street, East
Charleston, WV 25301



PAMELA C. DEEM (WVSB #0976)

BETTS HARDY & RODGERS, PLLC
P.O. Box 3394
500 Lee Street, East, Suite 800
Charleston, West Virginia 25301
(304) 345-7250
pcdeem@bhrwv.com

IN THE CIRCUIT COURT OF BOONE COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA
ex rel DARRELL V. MCGRAW, JR.
Attorney General,

Plaintiff,

v.

Civil Action No. 12-C-141
Judge Thompson

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a Delaware corporation doing business in
West Virginia, MIAMI-LUKEN, INC., an
Ohio corporation doing business in West Virginia,
J.M. SMITH CORPORATION d/b/a SMITH DRUG
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in West Virginia, ANDA INC., a Florida corporation doing
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H.D. SMITH WHOLESALE DRUG COMPANY, a
Delaware corporation doing business in West Virginia,
KEYSOURCE MEDICAL INC., an Ohio corporation
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PHARMACEUTICALS, INC., an Ohio corporation doing
business in West Virginia, QUEST PHARMACEUTICALS,
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RICHIE PHARMACAL CO., INC., a Kentucky corporation
doing business in West Virginia, and TOP RX, INC., a Tennessee
corporation doing business in West Virginia,

Defendants.

BOONE COUNTY
CIRCUIT CLERK
SUE ANN ZICKEFOOSE

2012 JUL 16 P 12:39

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MOTION FOR PRO HAC VICE
ADMISSION OF JASON R. BARCLAY

COMES NOW Rebecca A. Betts and Pamela C. Deem and the law firm of Betts
Hardy & Rodgers, PLLC, members in good standing with The West Virginia State Bar,

and pursuant to Rule 8.0 of the West Virginia Rules for Admission to the Practice of Law, move the Court to accord Jason R. Barclay ("Applicant") the privilege of appearing in the above entitled action, as counsel for H.D. Smith Wholesale Drug Company. Attached hereto as Exhibit A, in aid of the Court's consideration of this motion, is a copy of the "Verified Statement of Application of Jason R. Barclay for *Pro Hac Vice* Admission." This Verified Statement of Application, along with the required fee of \$350.00, has been forwarded to The West Virginia State Bar.

WHEREFORE, it is respectfully requested that the Court grant this Motion and admit Jason R. Barclay to appear before it *pro hac vice*.

H.D. SMITH WHOLESALE DRUG
COMPANY,

Defendant,

BY COUNSEL:


REBECCA A. BETTS (WVSB #0329)
PAMELA C. DEEM (WVSB #0976)
BETTS HARDY & RODGERS, PLLC
P.O. Box 3394
500 Lee Street, East, Suite 800
Charleston, West Virginia 25301
(304) 345-7250

IN THE CIRCUIT COURT OF BOONE COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA
ex rel DARRELL V. MCGRAW, JR.
Attorney General,

Plaintiff,

v.

Civil Action No. 12-C-141
Judge Thompson

AMERISOURCEBERGEN DRUG CORPORATION,
a Delaware corporation doing business in
West Virginia, MIAMI-LUKEN, INC., an
Ohio corporation doing business in West Virginia,
J.M. SMITH CORPORATION d/b/a SMITH DRUG
COMPANY, a South Carolina corporation doing
business in West Virginia, THE HARVARD DRUG
GROUP, LLC, a Michigan corporation doing business
in West Virginia, ANDA INC., a Florida corporation doing
business in West Virginia, ASSOCIATED PHARMACIES,
INC., an Alabama corporation doing business in West
Virginia, AUBURN PHARMACEUTICAL COMPANY, a
Michigan corporation doing business in West Virginia,
H.D. SMITH WHOLESALE DRUG COMPANY, a
Delaware corporation doing business in West Virginia,
KEYSOURCE MEDICAL INC., an Ohio corporation
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business in West Virginia, QUEST PHARMACEUTICALS,
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RICHIE PHARMACAL CO., INC., a Kentucky corporation
doing business in West Virginia, and TOP RX, INC., a Tennessee
corporation doing business in West Virginia,

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BOONE COUNTY
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Defendants.

**VERIFIED STATEMENT OF APPLICATION OF
JASON R. BARCLAY FOR *PRO HAC VICE* ADMISSION**

Pursuant to Rule 8.0(b) of the Rules for Admission to the Practice of Law in the State of West Virginia, I, Jason R. Barclay, being duly sworn, hereby depose and say as follows:

Exhibit A

1. Your Applicant is a member in good standing of the Indiana State Bar. Your Applicant has never been the subject of any disciplinary hearing and has not been disciplined at any time by any court or bar;

2. The name, address and telephone number of the disciplinary agency of the Indiana State Bar is the Indiana Supreme Court Disciplinary Commission, 30 South Meridian Street, Suite 850, Indianapolis, Indiana 46204, (317) 232-1807

3. Your Applicant is a Partner at the law firm of Barnes & Thornburg, LLP, which has been retained by Defendant H.D. Smith Wholesale Drug Company, to appear in this Court, and is not a resident of West Virginia and does not maintain an office for the practice of law in the State of West Virginia;

4. Your Applicant wishes to appear and participate in this particular case in association with the law firm of Betts Hardy & Rodgers, PLLC, Rebecca A. Betts and Pamela C. Deem, who are members of the bar of this Honorable Court;

5. Your Applicant expressly designates Rebecca A. Betts, Pamela C. Deem and Betts Hardy & Rodgers, PLLC, who have an office for the practice of law within the State of West Virginia at the following address: 500 Lee Street, East, Suite 800, P.O. Box 3394, Charleston, West Virginia 25333-3394, with telephone number (304) 345-7250, to serve as responsible local attorneys in this civil action;

6. Your Applicant has had litigation experience in state and federal courts since admission to the Indiana State Bar.

7. Your Applicant has knowledge of the Local Rules of this Honorable Court and will comply with all laws, rules and regulations of West Virginia state and local governments, where

applicable, including taxing authorities and any standards for *pro bono* civil and criminal defense legal services;

8. Members of Applicant's law firm, Barnes & Thornburg, LLP, have been involved in matters before West Virginia tribunals or bodies during the past twenty-four months. A compilation of those matters is attached hereto and made a part hereof as "Verified Statement Exhibit 1"; and

9. Pursuant to Rule 8.0(b), the original of this "Verified Statement of Application of Jason R. Barclay for *Pro Hac Vice* Admission," along with the requisite \$350.00 admission fee, is being provided to The West Virginia State Bar.

And further this Applicant saith naught.



JASON R. BARCLAY

STATE OF INDIANA,

COUNTY OF MARION, to wit:

The foregoing "Verified Statement of Application of Jason R. Barclay for *Pro Hac Vice* Admission" was acknowledged and sworn to before me this 10th day of July, 2012.

My Commission expires: 4/7/14.



NOTARY PUBLIC


I have read the foregoing application and, by my endorsement hereon, agree to be a responsible local attorney in the above-styled civil action. I will be involved in the above-styled civil action along with Rebecca A. Betts as local counsel for H. D. Smith Wholesale Drug Company. I further certify that I am an active member in good standing of the West Virginia State Bar and that I maintain an actual office in West Virginia from which I practice law on a daily basis.

BETTS HARDY & RODGERS, PLLC

By: 
PAMELA C. DEEM (W. Va. Bar No. 976)

VERIFIED STATEMENT EXHIBIT 1

Cause No.	Case Name	Attorney Name	Date Admitted
3:08-cv-00073	<i>David Gregory v. Forest River, Inc., Northern District of West Virginia</i>	Jeanine Gozdecki	5/15/08
3:10-cv-00862	<i>H.D. Smith Wholesale Drug Co. v. Medical Associates Pharmacy, Inc., Southern District of West Virginia</i>	Stephen Fink	9/15/10
03-C-109	<i>State of West Virginia v. Minnesota Mining and Manufacturing Co, et al., Lincoln County, West Virginia</i>	Annamarie Daley	1/31/11

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IN THE CIRCUIT COURT OF BOONE COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA
ex rel DARRELL V. MCGRAW, JR.
Attorney General,

Plaintiff,

v.

Civil Action No. 12-C-I41
Judge Thompson

AMERISOURCEBERGEN DRUG CORPORATION,
a Delaware corporation doing business in
West Virginia, MIAMI-LUKEN, INC., an
Ohio corporation doing business in West Virginia,
J.M. SMITH CORPORATION d/b/a SMITH DRUG
COMPANY, a South Carolina corporation doing
business in West Virginia, THE HARVARD DRUG
GROUP, LLC, a Michigan corporation doing business
in West Virginia, ANDA INC., a Florida corporation doing
business in West Virginia, ASSOCIATED PHARMACIES,
INC., an Alabama corporation doing business in West
Virginia, AUBURN PHARMACEUTICAL COMPANY, a
Michigan corporation doing business in West Virginia,
H.D. SMITH WHOLESALE DRUG COMPANY, a
Delaware corporation doing business in West Virginia,
KEYSOURCE MEDICAL INC., an Ohio corporation
doing business in West Virginia, MASTERS
PHARMACEUTICALS, INC., an Ohio corporation doing
business in West Virginia, QUEST PHARMACEUTICALS,
INC., a Kentucky corporation doing business in West Virginia,
RICHIE PHARMACAL CO., INC., a Kentucky corporation
doing business in West Virginia, and TOP RX, INC., a Tennessee
corporation doing business in West Virginia,

Defendants.

BOONE COUNTY
CIRCUIT CLERK
SUE ANN ZICKEFOOSE

2012 JUL 16 PM 12:40

RECEIVED

CERTIFICATE OF SERVICE

I, Pamela C. Deem, counsel for H.D. Smith Wholesale Drug Company, do hereby
certify that I have served the foregoing "**Motion For Pro Hac Vice Admission Of Jason**

R. Barclay" upon counsel of record by depositing a true and exact copy in the regular course of First Class U.S. Mail, this the 12th day of July, 2012, as follows:

Frances A. Hughes, Esq.
Managing Deputy Attorney General
Office of Attorney General
Building 1, Room 26-E, Capitol Complex
Charleston, WV 25305

James M. Cagle, Esq.
Cagle & Jackson, Attorneys
P.O. Box 12326
Big Chimney Station
Charleston, WV 25301

Rudolph L. DiTrapano, Esq.
DiTrapano, Barrett & DiPiero
604 Virginia Street, East
Charleston, WV 25301



PAMELA C. DEEM (WVSB #0976)

BETTS HARDY & RODGERS, PLLC
P.O. Box 3394
500 Lee Street, East, Suite 800
Charleston, West Virginia 25301
(304) 345-7250
pcdeem@bhrwv.com

IN THE CIRCUIT COURT OF BOONE COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA
ex rel DARRELL V. MCGRAW, JR.
Attorney General,

Plaintiff,

v.

Civil Action No. 12-C-141
Judge Thompson

AMERISOURCEBERGEN DRUG CORPORATION,
a Delaware corporation doing business in
West Virginia, MIAMI-LUKEN, INC., an
Ohio corporation doing business in West Virginia,
J.M. SMITH CORPORATION d/b/a SMITH DRUG
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RICHIE PHARMACAL CO., INC., a Kentucky corporation
doing business in West Virginia, and TOP RX, INC., a Tennessee
corporation doing business in West Virginia,

Defendants.

BOONE COUNTY
CIRCUIT CLERK
SUE ANN ZICKEFOOSE

2012 JUL 16 P 12:40

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MOTION FOR PRO HAC VICE
ADMISSION OF DEAN T. BARNHARD

COMES NOW Rebecca A. Betts and Pamela C. Deem and the law firm of Betts
Hardy & Rodgers, PLLC, members in good standing with The West Virginia State Bar,

and pursuant to Rule 8.0 of the West Virginia Rules for Admission to the Practice of Law, move the Court to accord Dean T. Barnhard ("Applicant") the privilege of appearing in the above entitled action, as counsel for H.D. Smith Wholesale Drug Company. Attached hereto as Exhibit A, in aid of the Court's consideration of this motion, is a copy of the "Verified Statement of Application of Dean T. Barnhard for *Pro Hac Vice* Admission." This Verified Statement of Application, along with the required fee of \$350.00, has been forwarded to The West Virginia State Bar.

WHEREFORE, it is respectfully requested that the Court grant this Motion and admit Dean T. Barnhard to appear before it *pro hac vice*.

H.D. SMITH WHOLESALE DRUG
COMPANY,

Defendant,

BY COUNSEL:


REBECCA A. BETTS (WVSB #0329)
PAMELA C. DEEM (WVSB #0976)
BETTS HARDY & RODGERS, PLLC
P.O. Box 3394
500 Lee Street, East, Suite 800
Charleston, West Virginia 25301
(304) 345-7250

IN THE CIRCUIT COURT OF BOONE COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA
ex rel DARRELL V. MCGRAW, JR.
Attorney General,

Plaintiff,

v.

Civil Action No. 12-C-141
Judge Thompson

AMERISOURCEBERGEN DRUG CORPORATION,
a Delaware corporation doing business in
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INC., a Kentucky corporation doing business in West Virginia,
RICHIE PHARMACAL CO., INC., a Kentucky corporation
doing business in West Virginia, and TOP RX, INC., a Tennessee
corporation doing business in West Virginia,

Defendants.

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CIRCUIT CLERK
SUE ANN ZICKEFOOSE

2012 JUL 16 PM 12:40

**VERIFIED STATEMENT OF APPLICATION OF
DEAN T. BARNHARD FOR *PRO HAC VICE* ADMISSION**

Pursuant to Rule 8.0(b) of the Rules for Admission to the Practice of Law in the State of
West Virginia, I, Dean T. Barnhard, being duly sworn, hereby depose and say as follows:

Exhibit A

1. Your Applicant is a member in good standing of the Indiana State Bar. Your Applicant has never been the subject of any disciplinary hearing and has not been disciplined at any time by any court or bar;

2. The name, address and telephone number of the disciplinary agency of the Indiana State Bar is the Indiana Supreme Court Disciplinary Commission, 30 South Meridian Street, Suite 850, Indianapolis, Indiana 46204, (317) 232-1807

3. Your Applicant is a Partner at the law firm of Barnes & Thornburg, LLP, which has been retained by Defendant H.D. Smith Wholesale Drug Company, to appear in this Court, and is not a resident of West Virginia and does not maintain an office for the practice of law in the State of West Virginia;

4. Your Applicant wishes to appear and participate in this particular case in association with the law firm of Betts Hardy & Rodgers, PLLC, Rebecca A. Betts and Pamela C. Deem, who are members of the bar of this Honorable Court;

5. Your Applicant expressly designates Rebecca A. Betts, Pamela C. Deem and Betts Hardy & Rodgers, PLLC, who have an office for the practice of law within the State of West Virginia at the following address: 500 Lee Street, East, Suite 800, P.O. Box 3394, Charleston, West Virginia 25333-3394, with telephone number (304) 345-7250, to serve as responsible local attorneys in this civil action;

6. Your Applicant has had litigation experience in state and federal courts since admission to the Indiana State Bar.

7. Your Applicant has knowledge of the Local Rules of this Honorable Court and will comply with all laws, rules and regulations of West Virginia state and local governments, where

applicable, including taxing authorities and any standards for *pro bono* civil and criminal defense legal services;

8. Members of Applicant's law firm, Barnes & Thornburg, LLP, have been involved in matters before West Virginia tribunals or bodies during the past twenty-four months. A compilation of those matters is attached hereto and made a part hereof as "Verified Statement Exhibit I"; and

9. Pursuant to Rule 8.0(b), the original of this "Verified Statement of Application of Dean T. Barnhard for *Pro Hac Vice* Admission," along with the requisite \$350.00 admission fee, is being provided to The West Virginia State Bar.

And further this Applicant saith naught.



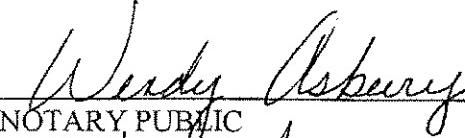
DEAN T. BARNHARD

STATE OF INDIANA,

COUNTY OF MARION, to wit:

The foregoing "Verified Statement of Application of Dean T. Barnhard for *Pro Hac Vice* Admission" was acknowledged and sworn to before me this 10th day of July, 2012.

My Commission expires: 4/7/14.



WENDY ASBURY
NOTARY PUBLIC
WENDY ASBURY

I have read the foregoing application and, by my endorsement hereon, agree to be a responsible local attorney in the above-styled civil action. I will be involved in the above-styled civil action along with Rebecca A. Betts as local counsel for H. D. Smith Wholesale Drug Company. I further certify that I am an active member in good standing of the West Virginia State Bar and that I maintain an actual office in West Virginia from which I practice law on a daily basis.

BETTS HARDY & RODGERS, PLLC

By: 
PAMELA C. DEEM (W. Va. Bar No. 976)

VERIFIED STATEMENT EXHIBIT 1

Cause No.	Case Name	Attorney Name	Date Admitted
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BEDFORD COUNTY
CIRCUIT CLERK
SUE ANN ZICKFOOSE

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IN THE CIRCUIT COURT OF BOONE COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA
ex rel DARRELL V. MCGRAW, JR.
Attorney General,

Plaintiff,

v.

Civil Action No. 12-C-141
Judge Thompson

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a Delaware corporation doing business in
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INC., a Kentucky corporation doing business in West Virginia,
RICHIE PHARMACAL CO., INC., a Kentucky corporation
doing business in West Virginia, and TOP RX, INC., a Tennessee
corporation doing business in West Virginia,

Defendants.

BOONE COUNTY
CIRCUIT CLERK
SUE ANN ZICKEFOOSE

2012 JUL 16 P 12:40

RECEIVED

CERTIFICATE OF SERVICE

I, Pamela C. Deem, counsel for H.D. Smith Wholesale Drug Company, do hereby
certify that I have served the foregoing "Motion For *Pro Hac Vice* Admission Of Dean

T. Barnhard" upon counsel of record by depositing a true and exact copy in the regular course of First Class U.S. Mail, this the 12th day of July, 2012, as follows:

Frances A. Hughes, Esq.
Managing Deputy Attorney General
Office of Attorney General
Building 1, Room 26-E, Capitol Complex
Charleston, WV 25305

James M. Cagle, Esq.
Cagle & Jackson, Attorneys
P.O. Box 12326
Big Chimney Station
Charleston, WV 25301

Rudolph L. DiTrapano, Esq.
DiTrapano, Barrett & DiPiero
604 Virginia Street, East
Charleston, WV 25301


PAMELA C. DEEM (WVSB #0976)

BETTS HARDY & RODGERS, PLLC
P.O. Box 3394
500 Lee Street, East, Suite 800
Charleston, West Virginia 25301
(304) 345-7250
pcdeem@bhrwv.com

Perdue, Anita

From: mail@wvsos.com [mail@wvsos.com] **Sent:** Mon 7/9/2012 11:33 AM
To: sop_delivered@wvsos.com
Cc:
Subject: Case # 12-C-141 Return Receipt Notification From WV Secretary of State's Office
Attachments:

** THIS IS AN AUTOMATED E-MAIL MESSAGE. **
** If you received this message in error, please notify the WV Secretary of State's Office by replying to this message. **

This notification is sent to alert you that a return receipt has been received.
Please find the return receipt in the body of this message below.

To :

TOP RX, INC.
KING, THERESA
2950 BROTHER BLVD.
BARTLETT, TN 381333968

The letter was sent on 6/28/2012

Civil Action Number: 12-C-141
Restricted: N
Certified Number : 917192379000100069S8S0

This information supplied from Pitney Bowes Distribution Solutions

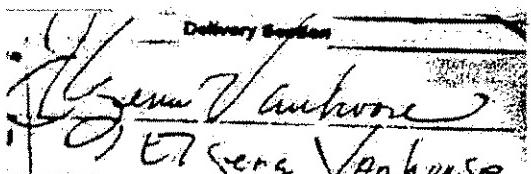


Date Produced: 07/09/2012

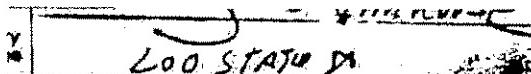
WV SECRETARY OF STATE

The following is the delivery information for Certified Mail™ item number 719237900010 0069 5850. Our records indicate that this item was delivered on 07/05/2012 at 12:00 p.m. in MADISON, WV, 25130. The scanned image of the recipient information is provided below.

Signature of Recipient:



Address of Recipient:



Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,

United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Customer Reference Number: 341887947695721

Perdue, Anita

From: mail@wvsos.com [mail@wvsos.com]

Sent: Mon 7/9/2012 11:33 AM

To: sop_delivered@wvsos.com

Cc:

Subject: Case # 12-C-141 Return Receipt Notification From WV Secretary of State's Office

Attachments:

** THIS IS AN AUTOMATED E-MAIL MESSAGE. **

** If you received this message in error, please notify the WV Secretary of State's Office by replying to this message. **

This notification is sent to alert you that a return receipt has been received.
Please find the return receipt in the body of this message below.

To :

QUEST PHARMACEUTICALS, INC.

KEVIN E. HIGGINS

300 EAST CHESTNUT ST.

MURRAY, KY 42071

The letter was sent on 6/28/2012

Civil Action Number: 12-C-141

Restricted: N

Certified Number : 9171923790001000695836

This information supplied from Pitney Bowes Distribution Solutions



Date Produced: 07/09/2012

WV SECRETARY OF STATE

The following is the delivery information for Certified Mail™ item number 71923790 0010 0069 5836. Our records indicate that this item was delivered on 07/05/2012 at 10:47 a.m. in MURRAY, KY, 42071. The scanned image of the recipient information is provided below.

Signature of Recipient:

A handwritten signature in cursive script that appears to read "Lore Murphy".

Address of Recipient:

A handwritten address consisting of two lines: "P.O. Box" on the top line and "270" on the bottom line.

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,

United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Customer Reference Number: 341887947695721

Perdue, Anita

From: mail@wvsos.com [mail@wvsos.com] **Sent:** Mon 7/9/2012 11:33 AM
To: sop_delivered@wvsos.com
Cc:
Subject: Case # 12-C-141 Return Receipt Notification From WV Secretary of State's Office
Attachments:

** THIS IS AN AUTOMATED E-MAIL MESSAGE. **

** If you received this message in error, please notify the WV Secretary of State's Office by replying to this message. **

This notification is sent to alert you that a return receipt has been received.
Please find the return receipt in the body of this message below.

To :

RICHIE PHARMACAL, CO., INC.
ELMER L RICHIE
197 STATE AVE.
GLASGOW, KY 42141

The letter was sent on 6/28/2012

Civil Action Number: 12-C-141
Restricted: N
Certified Number : 9171923790001000695843

This information supplied from Pitney Bowes Distribution Solutions



Date Produced: 07/09/2012

WV SECRETARY OF STATE

The following is the delivery information for Certified Mail™ item number 7192 3790 0010 0069 5843. Our records indicate that this item was delivered on 07/02/2012 at 11:30 a.m. in GLASGOW, KY, 42141. The scanned image of the recipient information is provided below.

Signature of Recipient:

ture	bail Harper
ted	Gail Harper
to	

Address of Recipient:

my	119 STATE Ave
see	

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,

United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Customer Reference Number: 3418879 47695721

Perdue, Anita

From: mail@wvsos.com [mail@wvsos.com] **Sent:** Mon 7/9/2012 11:33 AM
To: sop_delivered@wvsos.com

Cc:

Subject: Case # 12-C-141 Return Receipt Notification From WV Secretary of State's Office

Attachments:

** THIS IS AN AUTOMATED E-MAIL MESSAGE. **

** If you received this message in error, please notify the WV Secretary of State's Office by replying to this message. **

This notification is sent to alert you that a return receipt has been received.
Please find the return receipt in the body of this message below.

To :

MASTERS PHARMACEUTICALS, INC.
MASTERS PHARMACEUTICALS, INC.
11930 KEMPER SPRING DRIVE
CINCINNATI, OH 45240

The letter was sent on 6/28/2012

Civil Action Number: 12-C-141
Restricted: N
Certified Number : 9171923790001000695829

This information supplied from Pitney Bowes Distribution Solutions



Date Produced: 07/09/2012

WV SECRETARY OF STATE

The following is the delivery information for Certified Mail™ Item number 7192 3790 0010 0069 5829. Our records indicate that this item was delivered on 07/02/2012 at 11:15 a.m. in CINCINNATI, OH, 45240. The scanned image of the recipient information is provided below.

Signature of Recipient:

Debbie Robinson

Address of Recipient:

11930 Kinsman

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,

United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Customer Reference Number: 3418879 47695721

Perdue, Anita

From: mail@wvsos.com [mail@wvsos.com] **Sent:** Mon 7/9/2012 11:33 AM
To: sop_delivered@wvsos.com
Cc:
Subject: Case # 12-C-141 Return Receipt Notification From WV Secretary of State's Office
Attachments:

** THIS IS AN AUTOMATED E-MAIL MESSAGE. **

** If you received this message in error, please notify the WV Secretary of State's Office by replying to this message. **

This notification is sent to alert you that a return receipt has been received.
Please find the return receipt in the body of this message below.

To :

H.D. SMITH WHOLESALE DRUG COMPANY
CORPORATION SERVICE COMPANY
2711 CENTERVILLE RD., STE. 400
WILMINGTON, DE 19808

The letter was sent on 6/28/2012

Civil Action Number: 12-C-141
Restricted: N
Certified Number : 9171923790001000695805

This information supplied from Pitney Bowes Distribution Solutions



Date Produced: 07/09/2012

WV SECRETARY OF STATE

The following is the delivery information for Certified Mail™ Item number 7192 3790 0010 0069 5805. Our records indicate that this item was delivered on 07/05/2012 at 09:29 a.m. in WILMINGTON, DE, 19808. The scanned image of the recipient information is provided below.

Signature of Recipient:

A handwritten signature in black ink that reads "William L. Hay".

Address of Recipient:

A handwritten address in black ink that reads "271 CENTERVILLE RD" on the first line and "Suite 900" on the second line.

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,

United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Customer Reference Number: 3418879-47695721

Perdue, Anita

From: mail@wvsos.com [mail@wvsos.com] **Sent:** Mon 7/9/2012 11:33 AM
To: sop_delivered@wvsos.com

Cc:

Subject: Case # 12-C-141 Return Receipt Notification From WV Secretary of State's Office

Attachments:

** THIS IS AN AUTOMATED E-MAIL MESSAGE. **

** If you received this message in error, please notify the WV Secretary of State's Office by replying to this message. **

This notification is sent to alert you that a return receipt has been received.
Please find the return receipt in the body of this message below.

To :

AUBURN PHARMACEUTICALS, COMPANY
JEFFREY FARBER
1775 JOHN R
TROY, MI 48083

The letter was sent on 6/28/2012

Civil Action Number: 12-C-141
Restricted: N
Certified Number : 9171923790001000695799

This information supplied from Pitney Bowes Distribution Solutions

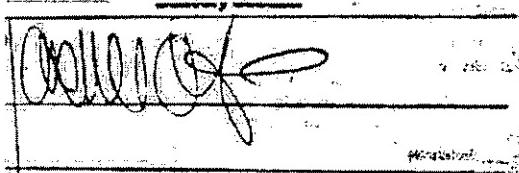


Date Produced: 07/09/2012

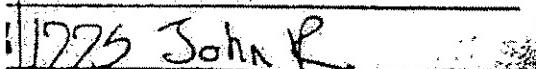
WV SECRETARY OF STATE

The following is the delivery information for Certified Mail™ item number 71923790 0010 0069 5799. Our records indicate that this item was delivered on 07/06/2012 at 10:33 a.m. in TROY, MI, 48083. The scanned image of the recipient information is provided below.

Signature of Recipient:



Address of Recipient:



Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,

United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Customer Reference Number: 3418879 47695721

Perdue, Anita

From: mail@wvsos.com [mail@wvsos.com]

Sent: Mon 7/9/2012 11:33 AM

To: sop_delivered@wvsos.com

Cc:

Subject: Case # 12-C-141 Return Receipt Notification From WV Secretary of State's Office

Attachments:

** THIS IS AN AUTOMATED E-MAIL MESSAGE. **

** If you received this message in error, please notify the WV Secretary of State's Office by replying to this message. **

This notification is sent to alert you that a return receipt has been received.
Please find the return receipt in the body of this message below.

To :

ASSOCIATED PHARMACIES, INC.
COPELAND, JON
211 LONNIE E. CRAWFORD BLVD.
SCOTTSBORO, AL 35769

The letter was sent on 6/28/2012

Civil Action Number: 12-C-141

Restricted: N

Certified Number : 9171923790001000695782

This information supplied from Pitney Bowes Distribution Solutions



Date Produced: 07/09/2012

WV SECRETARY OF STATE

The following is the delivery information for Certified Mail™ item number 7192 3790 0010 0069 5782. Our records indicate that this item was delivered on 07/05/2012 at 10:04 a.m. in SCOTTSBORO, AL, 35769. The scanned image of the recipient information is provided below.

Signature of Recipient:

C. Whitehead
Christine

Address of Recipient:

21 Connorma, Inc

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,

United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Customer Reference Number: 3418879 47695721

Perdue, Anita

From: mail@wvsos.com [mail@wvsos.com] **Sent:** Mon 7/9/2012 11:33 AM
To: sop_delivered@wvsos.com
Cc:
Subject: Case # 12-C-141 Return Receipt Notification From WV Secretary of State's Office
Attachments:

** THIS IS AN AUTOMATED E-MAIL MESSAGE. **

** If you received this message in error, please notify the WV Secretary of State's Office by replying to this message. **

This notification is sent to alert you that a return receipt has been received.
Please find the return receipt in the body of this message below.

To :

THE HARVARD DRUG GROUP, LLC
TERRANCE HAAS
31778 ENTERPRISE DR.
LIVONIA, MI 48150

The letter was sent on 6/28/2012

Civil Action Number: 12-C-141
Restricted: N
Certified Number : 9171923790001000695768

This information supplied from Pitney Bowes Distribution Solutions



Date Produced: 07/09/2012

WV SECRETARY OF STATE

The following is the delivery information for Certified Mail™ Item number 71923790 0010 0069 5768. Our records indicate that this item was delivered on 07/05/2012 at 12:17 p.m. in LIVONIA, MI, 48150. The scanned image of the recipient information is provided below.

Signature of Recipient:

Delivery Section
re: M Douglass
id: M Douglass

Address of Recipient:

my 1111 W. 12th Street
31778 ENTERPRISE

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,

United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Customer Reference Number: 3418879 47695721

Perdue, Anita

From: mail@wvsos.com [mail@wvsos.com]

Sent: Mon 7/9/2012 11:33 AM

To: sop_delivered@wvsos.com

Cc:

Subject: Case # 12-C-141 Return Receipt Notification From WV Secretary of State's Office

Attachments:

** THIS IS AN AUTOMATED E-MAIL MESSAGE. **

** If you received this message in error, please notify the WV Secretary of State's Office by replying to this message. **

This notification is sent to alert you that a return receipt has been received.
Please find the return receipt in the body of this message below.

To :

ANDA, INC.
C T CORPORATION SYSTEM
1200 SOUTH PINE ISLAND ROAD
PLANTATION, FL 33324

The letter was sent on 6/28/2012

Civil Action Number: 12-C-141

Restricted: N

Certified Number : 9171923790001000695775

This information supplied from Pitney Bowes Distribution Solutions



Date Produced: 07/09/2012

WV SECRETARY OF STATE

The following is the delivery information for Certified Mail™ item number 719237900010 0069 5775. Our records indicate that this item was delivered on 07/06/2012 at 09:15 a.m. in FORT LAUDERDALE, FL, 33318. The scanned image of the recipient information is provided below.

Signature of Recipient:

Delivery Section	
Signature	
(X)	
Printed Name	F. Hall

Address of Recipient:

Delivery Address	1200 S. Flagler Island
------------------	------------------------

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,

United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Customer Reference Number: 341887947695721

Perdue, Anita

From: mail@wvsos.com [mail@wvsos.com] **Sent:** Mon 7/2/2012 11:36 AM
To: sop_delivered@wvsos.com

Cc:

Subject: Case # 12-C-141 Return Receipt Notification From WV Secretary of State's Office

Attachments:

** THIS IS AN AUTOMATED E-MAIL MESSAGE. **

** If you received this message in error, please notify the WV Secretary of State's Office by replying to this message. **

This notification is sent to alert you that a return receipt has been received.
Please find the return receipt in the body of this message below.

To :

AMERISOURCEBERGEN DRUG CORPORATION
C. T. CORPORATION SYSTEM
5400 D BIG TYLER ROAD
CHARLESTON, WV 25313

The letter was sent on 6/27/2012

Civil Action Number: 12-C-141
Restricted: N
Certified Number : 9171923790001000695386

This information supplied from Pitney Bowes Distribution Solutions



Date Produced: 07/02/2012

WV SECRETARY OF STATE

The following is the delivery information for Certified Mail™ item number 71923790 0010 0069 5386. Our records indicate that this item was delivered on 06/29/2012 at 09:26 a.m. in CHARLESTON, WV, 25313. The scanned image of the recipient information is provided below.

Signature of Recipient:

A handwritten signature in black ink, appearing to read "Deanna Stamps".

Address of Recipient:

A handwritten address in black ink, appearing to read "5400 N Big Tujer".

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,

United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Customer Reference Number: 3418879 47695721

Perdue, Anita

From: mail@wvsos.com [mail@wvsos.com] **Sent:** Mon 7/2/2012 11:36 AM
To: sop_delivered@wvsos.com

Cc:

Subject: Case # 12-C-141 Return Receipt Notification From WV Secretary of State's Office

Attachments:

** THIS IS AN AUTOMATED E-MAIL MESSAGE. **

** If you received this message in error, please notify the WV Secretary of State's Office by replying to this message. **

This notification is sent to alert you that a return receipt has been received.
Please find the return receipt in the body of this message below.

To :

J M SMITH CORPORATION
C. T. CORPORATION SYSTEM
5400 D BIG TYLER ROAD
CHARLESTON, WV 25313

The letter was sent on 6/27/2012

Civil Action Number: 12-C-141
Restricted: N
Certified Number : 9171923790001000695409

This information supplied from Pitney Bowes Distribution Solutions

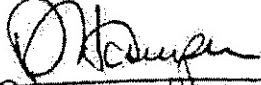
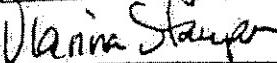


Date Produced: 07/02/2012

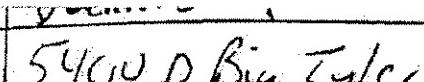
WV SECRETARY OF STATE

The following is the delivery information for Certified Mail™ item number 71923790 0010 0069 5409. Our records indicate that this item was delivered on 06/29/2012 at 09:26 a.m. in CHARLESTON, WV, 25313. The scanned image of the recipient information is provided below.

Signature of Recipient:

Address of Recipient:



Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,

United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Customer Reference Number: 341887947695721

mm
TELEPHONE: (304) 345-7250
FACSIMILE: (304) 345-9941
WEBSITE: www.bhrwv.com

LAW OFFICES
BETTS HARDY & RODGERS, PLLC
P. O. BOX 3394 CIRCUIT CLERK
CHARLESTON, WEST VIRGINIA 25304-3394
25304-3394
CIRCUIT CLERK
CHARLESTON, WEST VIRGINIA 25304-3394
RECEIVED

500 LEE STREET, EAST, SUITE 2007 III
CHARLESTON, WEST VIRGINIA 25301-20 P 1:34

WRITER'S DIRECT DIAL
(304) 720-4238
e-mail: pcdeem@bhrwv.com

July 12, 2012

Judge William S. Thompson
Boone County Courthouse
200 State Street
Madison, WV 25130

Re: *State of West Virginia ex rel. Darrell McGraw v. Amerisourcebergen Drug Corporation, et al.*
Civil Action No. 12-C-141 (Circuit Court of Boone County, W. Va.)

Dear Judge Thompson:

Enclosed for the Court's consideration please find the following proposed Orders in connection with the above-referenced civil action:

1. "Order Authorizing *Pro Hac Vice* Admission of Larry A. Mackey";
2. "Order Authorizing *Pro Hac Vice* Admission of Jason R. Barclay"; and
3. "Order Authorizing *Pro Hac Vice* Admission of Dean T. Barnhard."

Copies of the Motions, which are being simultaneously filed with the Clerk, are also enclosed for the Court's reference.

The Court's attention to this matter is appreciated. If there are questions, please let us know.

Very truly yours,



PAMELA C. DEEM

PCD:ddc

Enclosures

cc: Via First Class U.S. Mail:

Frances A. Hughes, Esq. (w/encls.)
James M. Cagle, Esq. (w/encls.)
Rudolph L. DiTrapano, Esq. (w/encls.)

ENTERED 07-20-12

IN THE CIRCUIT COURT OF BOONE COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA
ex rel DARRELL V. MCGRAW, JR.
Attorney General,

Plaintiff,

v.

Civil Action No. 12-C-141
Judge Thompson

AMERISOURCEBERGEN DRUG CORPORATION,
a Delaware corporation doing business in
West Virginia, MIAMI-LUKEN, INC., an
Ohio corporation doing business in West Virginia,
J.M. SMITH CORPORATION d/b/a SMITH DRUG
COMPANY, a South Carolina corporation doing
business in West Virginia, THE HARVARD DRUG
GROUP, LLC, a Michigan corporation doing business
in West Virginia, ANDA INC., a Florida corporation doing
business in West Virginia, ASSOCIATED PHARMACIES,
INC., an Alabama corporation doing business in West
Virginia, AUBURN PHARMACEUTICAL COMPANY, a
Michigan corporation doing business in West Virginia,
H.D. SMITH WHOLESALE DRUG COMPANY, a
Delaware corporation doing business in West Virginia,
KEYSOURCE MEDICAL INC., an Ohio corporation
doing business in West Virginia, MASTERS
PHARMACEUTICALS, INC., an Ohio corporation doing
business in West Virginia, QUEST PHARMACEUTICALS,
INC., a Kentucky corporation doing business in West Virginia,
RICHIE PHARMACAL CO., INC., a Kentucky corporation
doing business in West Virginia, and TOP RX, INC., a Tennessee
corporation doing business in West Virginia,

Defendants.

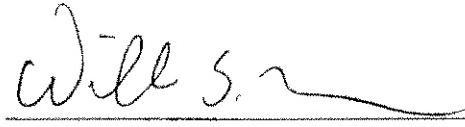
**ORDER AUTHORIZING *PRO HAC VICE*
ADMISSION OF LARRY A. MACKEY**

Upon consideration of the Motion of Rebecca A. Betts and Pamela C. Deem for
the admission of Larry A. Mackey to appear *pro hac vice* before this Court, the Motion is
GRANTED.

It is hereby ORDERED that Larry A. Mackey be permitted to appear *pro hac vice* in all proceedings before this Court in the above-entitled civil matter, and the Clerk is directed to enter his appearance forthwith.

It is FURTHER ORDERED that the Clerk forward a certified copy of this Order, upon its entry, to counsel of record.

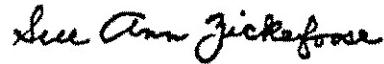
Entered this 20 day of July, 2012.



WILLIAM S. THOMPSON
Judge

A COPY ATTEST

Presented by:



CIRCUIT COURT



REBECCA A. BETTS (WVSB #0329)
PAMELA C. DEEM (WVSB #0976)
BETTS HARDY & RODGERS, PLLC
500 Lee Street, East, Suite 800
P. O. Box 3394
Charleston, WV 25333-3394
(304) 345-7250

*Counsel for H.D. Smith Wholesale Drug
Company*

IN THE CIRCUIT COURT OF BOONE COUNTY, WEST VIRGINIA
BOONE COUNTY
CIRCUIT CLERK
RECEIVED
FILED
REFOOSE

STATE OF WEST VIRGINIA
ex rel DARRELL V. MCGRAW, JR.
Attorney General,

2012 JUL 20 P 1:34

RECEIVED

Plaintiff,

v.

Civil Action No. 12-C-141
Judge Thompson

AMERISOURCEBERGEN DRUG CORPORATION,
a Delaware corporation doing business in
West Virginia, MIAMI-LUKEN, INC., an
Ohio corporation doing business in West Virginia,
J.M. SMITH CORPORATION d/b/a SMITH DRUG
COMPANY, a South Carolina corporation doing
business in West Virginia, THE HARVARD DRUG
GROUP, LLC, a Michigan corporation doing business
in West Virginia, ANDA INC., a Florida corporation doing
business in West Virginia, ASSOCIATED PHARMACIES,
INC., an Alabama corporation doing business in West
Virginia, AUBURN PHARMACEUTICAL COMPANY, a
Michigan corporation doing business in West Virginia,
H.D. SMITH WHOLESALE DRUG COMPANY, a
Delaware corporation doing business in West Virginia,
KEYSOURCE MEDICAL INC., an Ohio corporation
doing business in West Virginia, MASTERS
PHARMACEUTICALS, INC., an Ohio corporation doing
business in West Virginia, QUEST PHARMACEUTICALS,
INC., a Kentucky corporation doing business in West Virginia,
RICHIE PHARMACAL CO., INC., a Kentucky corporation
doing business in West Virginia, and TOP RX, INC., a Tennessee
corporation doing business in West Virginia,

Defendants.

**MOTION FOR *PRO HAC VICE*
ADMISSION OF LARRY A. MACKEY**

COMES NOW Rebecca A. Betts and Pamela C. Deem and the law firm of Betts
Hardy & Rodgers, PLLC, members in good standing with The West Virginia State Bar,

and pursuant to Rule 8.0 of the West Virginia Rules for Admission to the Practice of Law, move the Court to accord Larry A. Mackey ("Applicant") the privilege of appearing in the above entitled action, as counsel for H.D. Smith Wholesale Drug Company. Attached hereto as Exhibit A, in aid of the Court's consideration of this motion, is a copy of the "Verified Statement of Application of Larry A. Mackey for *Pro Hac Vice* Admission." This Verified Statement of Application, along with the required fee of \$350.00, has been forwarded to The West Virginia State Bar.

WHEREFORE, it is respectfully requested that the Court grant this Motion and admit Larry A. Mackey to appear before it *pro hac vice*.

H.D. SMITH WHOLESALE DRUG COMPANY,

Defendant,

BY COUNSEL:



REBECCA A. BETTS (WVSB #0329)
PAMELA C. DEEM (WVSB #0976)
BETTS HARDY & RODGERS, PLLC
P.O. Box 3394
500 Lee Street, East, Suite 800
Charleston, West Virginia 25301
(304) 345-7250

BOONE COUNTY
CIRCUIT CLERK
IN THE CIRCUIT COURT OF BOONE COUNTY, WEST VIRGINIA

2012 JUL 20 P 1:34

STATE OF WEST VIRGINIA
ex rel DARRELL V. MCGRAW, JR.
Attorney General,

RECEIVED

Plaintiff,

v.

Civil Action No. 12-C-141
Judge Thompson

AMERISOURCEBERGEN DRUG CORPORATION,
a Delaware corporation doing business in
West Virginia, MIAMI-LUKEN, INC., an
Ohio corporation doing business in West Virginia,
J.M. SMITH CORPORATION d/b/a SMITH DRUG
COMPANY, a South Carolina corporation doing
business in West Virginia, THE HARVARD DRUG
GROUP, LLC, a Michigan corporation doing business
in West Virginia, ANDA INC., a Florida corporation doing
business in West Virginia, ASSOCIATED PHARMACIES,
INC., an Alabama corporation doing business in West
Virginia, AUBURN PHARMACEUTICAL COMPANY, a
Michigan corporation doing business in West Virginia,
H.D. SMITH WHOLESALE DRUG COMPANY, a
Delaware corporation doing business in West Virginia,
KEYSOURCE MEDICAL INC., an Ohio corporation
doing business in West Virginia, MASTERS
PHARMACEUTICALS, INC., an Ohio corporation doing
business in West Virginia, QUEST PHARMACEUTICALS,
INC., a Kentucky corporation doing business in West Virginia,
RICHIE PHARMACAL CO., INC., a Kentucky corporation
doing business in West Virginia, and TOP RX, INC., a Tennessee
corporation doing business in West Virginia,

Defendants.

**VERIFIED STATEMENT OF APPLICATION OF
LARRY A. MACKEY FOR *PRO HAC VICE* ADMISSION**

Pursuant to Rule 8.0(b) of the Rules for Admission to the Practice of Law in the State of
West Virginia, I, Larry A. Mackey, being duly sworn, hereby depose and say as follows:

Exhibit A

1. Your Applicant is a member in good standing of the Indiana State Bar. Your Applicant has never been the subject of any disciplinary hearing and has not been disciplined at any time by any court or bar;

2. The name, address and telephone number of the disciplinary agency of the Indiana State Bar is the Indiana Supreme Court Disciplinary Commission, 30 South Meridian Street, Suite 850, Indianapolis, Indiana 46204, (317) 232-1807

3. Your Applicant is a Partner at the law firm of Barnes & Thornburg, LLP, which has been retained by Defendant H.D. Smith Wholesale Drug Company, to appear in this Court, and is not a resident of West Virginia and does not maintain an office for the practice of law in the State of West Virginia;

4. Your Applicant wishes to appear and participate in this particular case in association with the law firm of Betts Hardy & Rodgers, PLLC, Rebecca A. Betts and Pamela C. Deem, who are members of the bar of this Honorable Court;

5. Your Applicant expressly designates Rebecca A. Betts, Pamela C. Deem and Betts Hardy & Rodgers, PLLC, who have an office for the practice of law within the State of West Virginia at the following address: 500 Lee Street, East, Suite 800, P.O. Box 3394, Charleston, West Virginia 25333-3394, with telephone number (304) 345-7250, to serve as responsible local attorneys in this civil action;

6. Your Applicant has had litigation experience in state and federal courts since admission to the Indiana State Bar.

7. Your Applicant has knowledge of the Local Rules of this Honorable Court and will comply with all laws, rules and regulations of West Virginia state and local governments, where

applicable, including taxing authorities and any standards for *pro bono* civil and criminal defense legal services;

8. Members of Applicant's law firm, Barnes & Thornburg, LLP, have been involved in matters before West Virginia tribunals or bodies during the past twenty-four months. A compilation of those matters is attached hereto and made a part hereof as "Verified Statement Exhibit 1"; and

9. Pursuant to Rule 8.0(b), the original of this "Verified Statement of Application of Larry A. Mackey for *Pro Hac Vice* Admission," along with the requisite \$350.00 admission fee, is being provided to The West Virginia State Bar.

And further this Applicant saith naught.



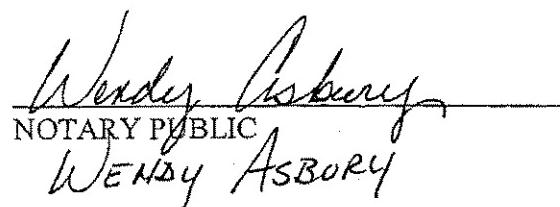
LARRY A. MACKEY

STATE OF INDIANA,

COUNTY OF MARION, to wit:

The foregoing "Verified Statement of Application of Larry A. Mackey for *Pro Hac Vice* Admission" was acknowledged and sworn to before me this 10th day of July, 2012.

My Commission expires: 4/7/14.



WENDY ASBURY
NOTARY PUBLIC
WENDY ASBURY

I have read the foregoing application and, by my endorsement hereon, agree to be a responsible local attorney in the above-styled civil action. I will be involved in the above-styled civil action along with Rebecca A. Betts as local counsel for H. D. Smith Wholesale Drug Company. I further certify that I am an active member in good standing of the West Virginia State Bar and that I maintain an actual office in West Virginia from which I practice law on a daily basis.

BETTS HARDY & RODGERS, PLLC

By: Pamela C. Deem
PAMELA C. DEEM (W. Va. Bar No. 976)

VERIFIED STATEMENT EXHIBIT 1

Cause No.	Case Name	Attorney Name	Date Admitted
3:08-cv-00073	<i>David Gregory v. Forest River, Inc., Northern District of West Virginia</i>	Jeanine Gozdecki	5/15/08
3:10-cv-00862	<i>H.D. Smith Wholesale Drug Co. v. Medical Associates Pharmacy, Inc., Southern District of West Virginia</i>	Stephen Fink	9/15/10
03-C-109	<i>State of West Virginia v. Minnesota Mining and Manufacturing Co, et al., Lincoln County, West Virginia</i>	Annamarie Daley	1/31/11

BONNE COUNTY
CIRCUIT CLERK
SUE ANN ZICKEFOOSE
2012 JUL 20 P 1:34

RECEIVED

BOONE COUNTY
CIRCUIT CLERK
IN THE CIRCUIT COURT OF BOONE COUNTY, WEST VIRGINIA
SUE ANN ZICKEFOOSE

STATE OF WEST VIRGINIA
ex rel DARRELL V. MCGRAW, JR.
Attorney General,

2012 JUL 20 P 1:34

Plaintiff,

v.

RECEIVED

Civil Action No. 12-C-141

Judge Thompson

AMERISOURCEBERGEN DRUG CORPORATION,
a Delaware corporation doing business in
West Virginia, MIAMI-LUKEN, INC., an
Ohio corporation doing business in West Virginia,
J.M. SMITH CORPORATION d/b/a SMITH DRUG
COMPANY, a South Carolina corporation doing
business in West Virginia, THE HARVARD DRUG
GROUP, LLC, a Michigan corporation doing business
in West Virginia, ANDA INC., a Florida corporation doing
business in West Virginia, ASSOCIATED PHARMACIES,
INC., an Alabama corporation doing business in West
Virginia, AUBURN PHARMACEUTICAL COMPANY, a
Michigan corporation doing business in West Virginia,
H.D. SMITH WHOLESALE DRUG COMPANY, a
Delaware corporation doing business in West Virginia,
KEYSOURCE MEDICAL INC., an Ohio corporation
doing business in West Virginia, MASTERS
PHARMACEUTICALS, INC., an Ohio corporation doing
business in West Virginia, QUEST PHARMACEUTICALS,
INC., a Kentucky corporation doing business in West Virginia,
RICHIE PHARMACAL CO., INC., a Kentucky corporation
doing business in West Virginia, and TOP RX, INC., a Tennessee
corporation doing business in West Virginia,

Defendants.

CERTIFICATE OF SERVICE

I, Pamela C. Deem, counsel for H.D. Smith Wholesale Drug Company, do hereby
certify that I have served the foregoing "Motion For *Pro Hac Vice* Admission Of Larry

A. Mackey" upon counsel of record by depositing a true and exact copy in the regular course of First Class U.S. Mail, this the 12th day of July, 2012, as follows:

Frances A. Hughes, Esq.
Managing Deputy Attorney General
Office of Attorney General
Building 1, Room 26-E, Capitol Complex
Charleston, WV 25305

James M. Cagle, Esq.
Cagle & Jackson, Attorneys
P.O. Box 12326
Big Chimney Station
Charleston, WV 25301

Rudolph L. DiTrapano, Esq.
DiTrapano, Barrett & DiPiero
604 Virginia Street, East
Charleston, WV 25301



PAMELA C. DEEM (WVSB #0976)

BETTS HARDY & RODGERS, PLLC
P.O. Box 3394
500 Lee Street, East, Suite 800
Charleston, West Virginia 25301
(304) 345-7250
pcdeem@bhrwv.com

ENTERED 07-20-12

IN THE CIRCUIT COURT OF BOONE COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA
ex rel DARRELL V. MCGRAW, JR.
Attorney General,

Plaintiff,

v.

Civil Action No. 12-C-141
Judge Thompson

AMERISOURCEBERGEN DRUG CORPORATION,
a Delaware corporation doing business in
West Virginia, MIAMI-LUKEN, INC., an
Ohio corporation doing business in West Virginia,
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INC., a Kentucky corporation doing business in West Virginia,
RICHIE PHARMACAL CO., INC., a Kentucky corporation
doing business in West Virginia, and TOP RX, INC., a Tennessee
corporation doing business in West Virginia,

Defendants.

**ORDER AUTHORIZING *PRO HAC VICE*
ADMISSION OF JASON R. BARCLAY**

Upon consideration of the Motion of Rebecca A. Betts and Pamela C. Deem for
the admission of Jason R. Barclay to appear *pro hac vice* before this Court, the Motion is
GRANTED.

It is hereby ORDERED that Jason R. Barclay be permitted to appear *pro hac vice* in all proceedings before this Court in the above-entitled civil matter, and the Clerk is directed to enter his appearance forthwith.

It is FURTHER ORDERED that the Clerk forward a certified copy of this Order, upon its entry, to counsel of record.

Entered this 20th day of July, 2012.

William S. Thompson
WILLIAM S. THOMPSON
Judge

A COPY ATTEST

Presented by:

Pamela C. Deem

REBECCA A. BETTS (WVSB #0329)
PAMELA C. DEEM (WVSB #0976)
BETTS HARDY & RODGERS, PLLC
500 Lee Street, East, Suite 800
P. O. Box 3394
Charleston, WV 25333-3394
(304) 345-7250

*Counsel for H.D. Smith Wholesale Drug
Company*

Sue Ann Zickeyfoose

CIRCUIT COURT

BOONE COUNTY
CIRCUIT CLERK
IN THE CIRCUIT COURT OF BOONE COUNTY, STATE OF WEST VIRGINIA

2012 JUL 20 P 1:35

STATE OF WEST VIRGINIA
ex rel DARRELL V. MCGRAW, JR.
Attorney General,

RECEIVED

Plaintiff,

v.

Civil Action No. 12-C-141

Judge Thompson

AMERISOURCEBERGEN DRUG CORPORATION,
a Delaware corporation doing business in
West Virginia, MIAMI-LUKEN, INC., an
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RICHIE PHARMACAL CO., INC., a Kentucky corporation
doing business in West Virginia, and TOP RX, INC., a Tennessee
corporation doing business in West Virginia,

Defendants.

**MOTION FOR *PRO HAC VICE*
ADMISSION OF JASON R. BARCLAY**

COMES NOW Rebecca A. Betts and Pamela C. Deem and the law firm of Betts
Hardy & Rodgers, PLLC, members in good standing with The West Virginia State Bar,

and pursuant to Rule 8.0 of the West Virginia Rules for Admission to the Practice of Law, move the Court to accord Jason R. Barclay ("Applicant") the privilege of appearing in the above entitled action, as counsel for H.D. Smith Wholesale Drug Company. Attached hereto as Exhibit A, in aid of the Court's consideration of this motion, is a copy of the "Verified Statement of Application of Jason R. Barclay for *Pro Hac Vice* Admission." This Verified Statement of Application, along with the required fee of \$350.00, has been forwarded to The West Virginia State Bar.

WHEREFORE, it is respectfully requested that the Court grant this Motion and admit Jason R. Barclay to appear before it *pro hac vice*.

H.D. SMITH WHOLESALE DRUG COMPANY,

Defendant,

BY COUNSEL:


REBECCA A. BETTS (WVSB #0329)
PAMELA C. DEEM (WVSB #0976)
BETTS HARDY & RODGERS, PLLC
P.O. Box 3394
500 Lee Street, East, Suite 800
Charleston, West Virginia 25301
(304) 345-7250

BOONE COUNTY
CIRCUIT CLERK
~~IN THE CIRCUIT COURT OF BOONE COUNTY, WEST VIRGINIA~~
SUE ANN ZICKREY COUSE

STATE OF WEST VIRGINIA
ex rel DARRELL V. MCGRAW, JR.
Attorney General,

2012 JUL 20 P 1:35

RECEIVED

Plaintiff,

v.

Civil Action No. 12-C-141
Judge Thompson

AMERISOURCEBERGEN DRUG CORPORATION,
a Delaware corporation doing business in
West Virginia, MIAMI-LUKEN, INC., an
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RICHIE PHARMACAL CO., INC., a Kentucky corporation
doing business in West Virginia, and TOP RX, INC., a Tennessee
corporation doing business in West Virginia,

Defendants.

**VERIFIED STATEMENT OF APPLICATION OF
JASON R. BARCLAY FOR *PRO HAC VICE* ADMISSION**

Pursuant to Rule 8.0(b) of the Rules for Admission to the Practice of Law in the State of
West Virginia, I, Jason R. Barclay, being duly sworn, hereby depose and say as follows:

Exhibit A

1. Your Applicant is a member in good standing of the Indiana State Bar. Your Applicant has never been the subject of any disciplinary hearing and has not been disciplined at any time by any court or bar;

2. The name, address and telephone number of the disciplinary agency of the Indiana State Bar is the Indiana Supreme Court Disciplinary Commission, 30 South Meridian Street, Suite 850, Indianapolis, Indiana 46204, (317) 232-1807

3. Your Applicant is a Partner at the law firm of Barnes & Thornburg, LLP, which has been retained by Defendant H.D. Smith Wholesale Drug Company, to appear in this Court, and is not a resident of West Virginia and does not maintain an office for the practice of law in the State of West Virginia;

4. Your Applicant wishes to appear and participate in this particular case in association with the law firm of Betts Hardy & Rodgers, PLLC, Rebecca A. Betts and Pamela C. Deem, who are members of the bar of this Honorable Court;

5. Your Applicant expressly designates Rebecca A. Betts, Pamela C. Deem and Betts Hardy & Rodgers, PLLC, who have an office for the practice of law within the State of West Virginia at the following address: 500 Lee Street, East, Suite 800, P.O. Box 3394, Charleston, West Virginia 25333-3394, with telephone number (304) 345-7250, to serve as responsible local attorneys in this civil action;

6. Your Applicant has had litigation experience in state and federal courts since admission to the Indiana State Bar.

7. Your Applicant has knowledge of the Local Rules of this Honorable Court and will comply with all laws, rules and regulations of West Virginia state and local governments, where

applicable, including taxing authorities and any standards for *pro bono* civil and criminal defense legal services;

8. Members of Applicant's law firm, Barnes & Thornburg, LLP, have been involved in matters before West Virginia tribunals or bodies during the past twenty-four months. A compilation of those matters is attached hereto and made a part hereof as "Verified Statement Exhibit 1"; and

9. Pursuant to Rule 8.0(b), the original of this "Verified Statement of Application of Jason R. Barclay for *Pro Hac Vice* Admission," along with the requisite \$350.00 admission fee, is being provided to The West Virginia State Bar.

And further this Applicant saith naught.



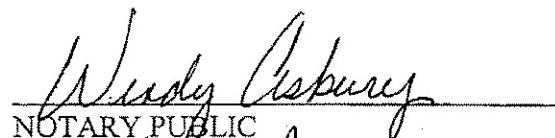
JASON R. BARCLAY

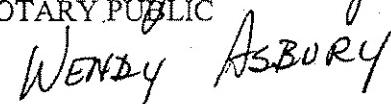
STATE OF INDIANA,

COUNTY OF MARION, to wit:

The foregoing "Verified Statement of Application of Jason R. Barclay for *Pro Hac Vice* Admission" was acknowledged and sworn to before me this 10th day of July, 2012.

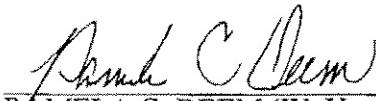
My Commission expires: 4/7/16.



NOTARY PUBLIC


I have read the foregoing application and, by my endorsement hereon, agree to be a responsible local attorney in the above-styled civil action. I will be involved in the above-styled civil action along with Rebecca A. Betts as local counsel for H. D. Smith Wholesale Drug Company. I further certify that I am an active member in good standing of the West Virginia State Bar and that I maintain an actual office in West Virginia from which I practice law on a daily basis.

BETTS HARDY & RODGERS, PLLC

By: 
PAMELA C. DEEM (W. Va. Bar No. 976)

VERIFIED STATEMENT EXHIBIT 1

Cause No.	Case Name	Attorney Name	Date Admitted
3:08-cv-00073	<i>David Gregory v. Forest River, Inc., Northern District of West Virginia</i>	Jeanine Gozdecki	5/15/08
3:10-cv-00862	<i>H.D. Smith Wholesale Drug Co. v. Medical Associates Pharmacy, Inc., Southern District of West Virginia</i>	Stephen Fink	9/15/10
03-C-109	<i>State of West Virginia v. Minnesota Mining and Manufacturing Co, et al., Lincoln County, West Virginia</i>	Annamarie Daley	1/31/11

BOONE COUNTY
CIRCUIT CLERK
SUE ANN ZICKEFOOSE

1017 JUL 20 P 1:35

RECEIVED

BOONE COUNTY
IN THE CIRCUIT COURT OF BOONE COUNTY, WEST VIRGINIA
SUE ANN ZICKEFOOSE

STATE OF WEST VIRGINIA
ex rel DARRELL V. MCGRAW, JR.
Attorney General,

2012 JUL 20 P 1:35

RECEIVED

Plaintiff,

v.

Civil Action No. 12-C-141
Judge Thompson

AMERISOURCEBERGEN DRUG CORPORATION,
a Delaware corporation doing business in
West Virginia, MIAMI-LUKEN, INC., an
Ohio corporation doing business in West Virginia,
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Michigan corporation doing business in West Virginia,
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business in West Virginia, QUEST PHARMACEUTICALS,
INC., a Kentucky corporation doing business in West Virginia,
RICHIE PHARMACAL CO., INC., a Kentucky corporation
doing business in West Virginia, and TOP RX, INC., a Tennessee
corporation doing business in West Virginia,

Defendants.

CERTIFICATE OF SERVICE

I, Pamela C. Deem, counsel for H.D. Smith Wholesale Drug Company, do hereby
certify that I have served the foregoing "Motion For *Pro Hac Vice* Admission Of Jason

R. Barclay" upon counsel of record by depositing a true and exact copy in the regular course of First Class U.S. Mail, this the 12th day of July, 2012, as follows:

Frances A. Hughes, Esq.
Managing Deputy Attorney General
Office of Attorney General
Building 1, Room 26-E, Capitol Complex
Charleston, WV 25305

James M. Cagle, Esq.
Cagle & Jackson, Attorneys
P.O. Box 12326
Big Chimney Station
Charleston, WV 25301

Rudolph L. DiTrapano, Esq.
DiTrapano, Barrett & DiPiero
604 Virginia Street, East
Charleston, WV 25301



PAMELA C. DEEM (WVSB #0976)

BETTS HARDY & RODGERS, PLLC
P.O. Box 3394
500 Lee Street, East, Suite 800
Charleston, West Virginia 25301
(304) 345-7250
pcdeem@bhrwv.com

ENTERED 07-20-12

IN THE CIRCUIT COURT OF BOONE COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA
ex rel DARRELL V. MCGRAW, JR.
Attorney General,

Plaintiff,

v.

Civil Action No. 12-C-141
Judge Thompson

AMERISOURCEBERGEN DRUG CORPORATION,
a Delaware corporation doing business in
West Virginia, MIAMI-LUKEN, INC., an
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INC., a Kentucky corporation doing business in West Virginia,
RICHIE PHARMACAL CO., INC., a Kentucky corporation
doing business in West Virginia, and TOP RX, INC., a Tennessee
corporation doing business in West Virginia,

Defendants.

**ORDER AUTHORIZING *PRO HAC VICE*
ADMISSION OF DEAN T. BARNHARD**

Upon consideration of the Motion of Rebecca A. Betts and Pamela C. Deem for
the admission of Dean T. Barnhard to appear *pro hac vice* before this Court, the Motion
is GRANTED.

It is hereby ORDERED that Dean T. Barnhard be permitted to appear *pro hac vice* in all proceedings before this Court in the above-entitled civil matter, and the Clerk is directed to enter his appearance forthwith.

It is FURTHER ORDERED that the Clerk forward a certified copy of this Order, upon its entry, to counsel of record.

Entered this 20th day of July, 2012.


WILLIAM S. THOMPSON
Judge

A COPY ATTEST

Presented by:



REBECCA A. BETTS (WVSB #0329)
PAMELA C. DEEM (WVSB #0976)
BETTS HARDY & RODGERS, PLLC
500 Lee Street, East, Suite 800
P. O. Box 3394
Charleston, WV 25333-3394
(304) 345-7250

*Counsel for H.D. Smith Wholesale Drug
Company*



CIRCUIT COURT

BOONE COUNTY
CIRCUIT CLERK
IN THE CIRCUIT COURT OF BOONE COUNTY, WEST VIRGINIA

2012 JUL 20 P 1:35

STATE OF WEST VIRGINIA
ex rel DARRELL V. MCGRAW, JR.
Attorney General,

RECEIVED

Plaintiff,

v.

Civil Action No. 12-C-141
Judge Thompson

AMERISOURCEBERGEN DRUG CORPORATION,
a Delaware corporation doing business in
West Virginia, MIAMI-LUKEN, INC., an
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RICHIE PHARMACAL CO., INC., a Kentucky corporation
doing business in West Virginia, and TOP RX, INC., a Tennessee
corporation doing business in West Virginia,

Defendants.

**MOTION FOR *PRO HAC VICE*
ADMISSION OF DEAN T. BARNHARD**

COMES NOW Rebecca A. Betts and Pamela C. Deem and the law firm of Betts
Hardy & Rodgers, PLLC, members in good standing with The West Virginia State Bar,

and pursuant to Rule 8.0 of the West Virginia Rules for Admission to the Practice of Law, move the Court to accord Dean T. Barnhard ("Applicant") the privilege of appearing in the above entitled action, as counsel for H.D. Smith Wholesale Drug Company. Attached hereto as Exhibit A, in aid of the Court's consideration of this motion, is a copy of the "Verified Statement of Application of Dean T. Barnhard for *Pro Hac Vice* Admission." This Verified Statement of Application, along with the required fee of \$350.00, has been forwarded to The West Virginia State Bar.

WHEREFORE, it is respectfully requested that the Court grant this Motion and admit Dean T. Barnhard to appear before it *pro hac vice*.

H.D. SMITH WHOLESALE DRUG COMPANY,

Defendant,

BY COUNSEL:


REBECCA A. BETTS (WVSB #0329)
PAMELA C. DEEM (WVSB #0976)
BETTS HARDY & RODGERS, PLLC
P.O. Box 3394
500 Lee Street, East, Suite 800
Charleston, West Virginia 25301
(304) 345-7250

BOONE COUNTY
IN THE CIRCUIT COURT OF BOONE COUNTY, WEST VIRGINIA
SUE ANN ZICKEFOOSE

STATE OF WEST VIRGINIA
ex rel DARRELL V. MCGRAW, JR.
Attorney General,

2012 JUL 20 P 1:35

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Plaintiff,

v.

Civil Action No. 12-C-141

Judge Thompson

AMERISOURCEBERGEN DRUG CORPORATION,
a Delaware corporation doing business in
West Virginia, MIAMI-LUKEN, INC., an
Ohio corporation doing business in West Virginia,
J.M. SMITH CORPORATION d/b/a SMITH DRUG
COMPANY, a South Carolina corporation doing
business in West Virginia, THE HARVARD DRUG
GROUP, LLC, a Michigan corporation doing business
in West Virginia, ANDA INC., a Florida corporation doing
business in West Virginia, ASSOCIATED PHARMACIES,
INC., an Alabama corporation doing business in West
Virginia, AUBURN PHARMACEUTICAL COMPANY, a
Michigan corporation doing business in West Virginia,
H.D. SMITH WHOLESALE DRUG COMPANY, a
Delaware corporation doing business in West Virginia,
KEYSOURCE MEDICAL INC., an Ohio corporation
doing business in West Virginia, MASTERS
PHARMACEUTICALS, INC., an Ohio corporation doing
business in West Virginia, QUEST PHARMACEUTICALS,
INC., a Kentucky corporation doing business in West Virginia,
RICHIE PHARMACAL CO., INC., a Kentucky corporation
doing business in West Virginia, and TOP RX, INC., a Tennessee
corporation doing business in West Virginia,

Defendants.

**VERIFIED STATEMENT OF APPLICATION OF
DEAN T. BARNHARD FOR *PRO HAC VICE* ADMISSION**

Pursuant to Rule 8.0(b) of the Rules for Admission to the Practice of Law in the State of
West Virginia, I, Dean T. Barnhard, being duly sworn, hereby depose and say as follows:

Exhibit A

1. Your Applicant is a member in good standing of the Indiana State Bar. Your Applicant has never been the subject of any disciplinary hearing and has not been disciplined at any time by any court or bar;

2. The name, address and telephone number of the disciplinary agency of the Indiana State Bar is the Indiana Supreme Court Disciplinary Commission, 30 South Meridian Street, Suite 850, Indianapolis, Indiana 46204, (317) 232-1807

3. Your Applicant is a Partner at the law firm of Barnes & Thornburg, LLP, which has been retained by Defendant H.D. Smith Wholesale Drug Company, to appear in this Court, and is not a resident of West Virginia and does not maintain an office for the practice of law in the State of West Virginia;

4. Your Applicant wishes to appear and participate in this particular case in association with the law firm of Betts Hardy & Rodgers, PLLC, Rebecca A. Betts and Pamela C. Deem, who are members of the bar of this Honorable Court;

5. Your Applicant expressly designates Rebecca A. Betts, Pamela C. Deem and Betts Hardy & Rodgers, PLLC, who have an office for the practice of law within the State of West Virginia at the following address: 500 Lee Street, East, Suite 800, P.O. Box 3394, Charleston, West Virginia 25333-3394, with telephone number (304) 345-7250, to serve as responsible local attorneys in this civil action;

6. Your Applicant has had litigation experience in state and federal courts since admission to the Indiana State Bar.

7. Your Applicant has knowledge of the Local Rules of this Honorable Court and will comply with all laws, rules and regulations of West Virginia state and local governments, where

applicable, including taxing authorities and any standards for *pro bono* civil and criminal defense legal services;

8. Members of Applicant's law firm, Barnes & Thornburg, LLP, have been involved in matters before West Virginia tribunals or bodies during the past twenty-four months. A compilation of those matters is attached hereto and made a part hereof as "Verified Statement Exhibit 1"; and

9. Pursuant to Rule 8.0(b), the original of this "Verified Statement of Application of Dean T. Barnhard for *Pro Hac Vice* Admission," along with the requisite \$350.00 admission fee, is being provided to The West Virginia State Bar.

And further this Applicant saith naught.



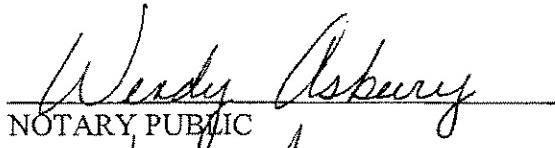
DEAN T. BARNHARD

STATE OF INDIANA,

COUNTY OF MARION, to wit:

The foregoing "Verified Statement of Application of Dean T. Barnhard for *Pro Hac Vice* Admission" was acknowledged and sworn to before me this 10th day of July, 2012.

My Commission expires: 4/7/14



WENDY ASBURY
NOTARY PUBLIC
WENDY ASBURY

I have read the foregoing application and, by my endorsement hereon, agree to be a responsible local attorney in the above-styled civil action. I will be involved in the above-styled civil action along with Rebecca A. Betts as local counsel for H. D. Smith Wholesale Drug Company. I further certify that I am an active member in good standing of the West Virginia State Bar and that I maintain an actual office in West Virginia from which I practice law on a daily basis.

BETTS HARDY & RODGERS, PLLC

By: 
PAMELA C. DEEM (W. Va. Bar No. 976)

VERIFIED STATEMENT EXHIBIT 1

Cause No.	Case Name	Attorney Name	Date Admitted
3:08-cv-00073	<i>David Gregory v. Forest River, Inc.</i> , Northern District of West Virginia	Jeanine Gozdecki	5/15/08
3:10-cv-00862	<i>H.D. Smith Wholesale Drug Co. v. Medical Associates Pharmacy, Inc.</i> , Southern District of West Virginia	Stephen Fink	9/15/10
03-C-109	<i>State of West Virginia v. Minnesota Mining and Manufacturing Co, et al.</i> , Lincoln County, West Virginia	Annamarie Daley	1/31/11

BOONE COUNTY
CIRCUIT CLERK
SUE ANN ZICKFOOSE

2012 JUL 20 P 1:35

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IN THE CIRCUIT COURT OF BOONE COUNTY, WEST VIRGINIA
BOONE COUNTY
CIRCUIT CLERK
SUE ANN ZICKEFOOSE

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Virginia, AUBURN PHARMACEUTICAL COMPANY, a
Michigan corporation doing business in West Virginia,
H.D. SMITH WHOLESALE DRUG COMPANY, a
Delaware corporation doing business in West Virginia,
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INC., a Kentucky corporation doing business in West Virginia,
RICHIE PHARMACAL CO., INC., a Kentucky corporation
doing business in West Virginia, and TOP RX, INC., a Tennessee
corporation doing business in West Virginia,

Defendants.

CERTIFICATE OF SERVICE

I, Pamela C. Deem, counsel for H.D. Smith Wholesale Drug Company, do hereby
certify that I have served the foregoing "Motion For Pro Hac Vice Admission Of Dean

T. Barnhard" upon counsel of record by depositing a true and exact copy in the regular course of First Class U.S. Mail, this the 12th day of July, 2012, as follows:

- mailed copies to all
counsel on
7/23/12
mm*
- ✓ Frances A. Hughes, Esq.
Managing Deputy Attorney General
Office of Attorney General
Building 1, Room 26-E, Capitol Complex
Charleston, WV 25305
 - ✓ James M. Cagle, Esq.
Cagle & Jackson, Attorneys
P.O. Box 12326
Big Chimney Station
Charleston, WV 25301
 - ✓ Rudolph L. DiTrapano, Esq.
DiTrapano, Barrett & DiPiero
604 Virginia Street, East
Charleston, WV 25301

Pamela C. Deem
PAMELA C. DEEM (WVSB #0976)

BETTS HARDY & RODGERS, PLLC
P.O. Box 3394
✓ 500 Lee Street, East, Suite 800
Charleston, West Virginia 25301
(304) 345-7250
pcdeem@bhrwv.com